



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

June 30, 2017

The Honorable Kimberley Harrington
Commissioner of Education
New Jersey Department of Education
PO Box 500
Trenton, NJ 08625

Dear Commissioner Harrington:

Thank you for submitting New Jersey's consolidated State plan to implement requirements of covered programs under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), and of the amended McKinney-Vento Homeless Assistance Act (McKinney-Vento Act).

I am writing to provide initial feedback based on the U.S. Department of Education's (the Department's) review of your consolidated State plan. As you know, the Department also conducted, as required by the statute, a peer review of the portions of your State plan related to ESEA Title I, Part A, ESEA Title III, Part A, and the McKinney-Vento Act using the Department's *State Plan Peer Review Criteria* released on March 28, 2017. Peer reviewers examined these sections of the consolidated State plan in their totality, while respecting State and local judgments. The goal of the peer review was to support State- and local-led innovation by providing objective feedback on the technical, educational, and overall quality of a State plan and to advise the Department on the ultimate approval of the plan. I am enclosing a copy of the peer review notes for your consideration.

Based on the Department's review of all programs submitted under New Jersey's consolidated State plan, including those programs subject to peer review, the Department is requesting clarifying or additional information to ensure the State's plan has met all statutory and regulatory requirements, as detailed in the enclosed table. Each State has flexibility in how it meets the statutory and regulatory requirements. Please note that the Department's feedback may differ from the peer review notes. I encourage you to read the full peer notes for additional suggestions and recommendations for improving your consolidated State plan.

ESEA section 8451 requires the Department to issue a written determination within 120 days of a State's submission of its consolidated State plan. Given this statutory requirement, I ask that you revise New Jersey's consolidated State plan and resubmit it through OMB Max within 15 days of the date of this letter. If you need more time than this to resubmit your consolidated State plan, please contact your Office of State Support Program Officer, who will work with you in establishing a new submission date. Please recognize that if we accommodate your request for

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

additional time, we may be unable to issue a written determination on your plan within the 120-day review period.

Department staff will contact you to support New Jersey in addressing the items enclosed with this letter. If you have any immediate questions or need additional information, I encourage you to contact your Program Officer for the specific Department program.

Please note that the Department only reviewed information provided in New Jersey' consolidated State plan that was responsive to the Revised Template for the Consolidated State Plan that was issued on March 13, 2017. Each State is responsible for administering all programs included in its consolidated State plan consistent with all applicable statutory and regulatory requirements. Additionally, the Department can only review and approve complete information. If New Jersey indicated that any aspect of its plan may change or is still under development, New Jersey may include updated or additional information in its resubmission New Jersey may also propose an amendment to its approved plan when additional data or information are available consistent with ESEA section 1111(a)(6)(B). The Department cannot approve incomplete details within the State plan until the State provides sufficient information.

Thank you for the important work that you and your staff are doing to support the transition to the ESSA. The Department looks forward to working with you to ensure that all children have the opportunity to reach their full potential.

Sincerely,

/s/

Jason Botel
Acting Assistant Secretary

Enclosures

cc: Governor
State Title I Director
State Title II Director
State Title III Director
State Title IV Director
State Title V Director
State 21st Century Community Learning Center Director
State Director for McKinney-Vento Homeless Assistance Act: Education for Homeless Children and Youths Program

Items That Require Additional Information or Revision in New Jersey’s Consolidated State Plan

Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)	
A.2.iii: Eighth Grade Math Exception: Strategies	Section 1111(b)(2)(C) of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESEA) and 34 C.F.R. § 200.5(b) permit the New Jersey Department of Education (NJDOE) to only exempt an eighth-grade student who takes the high school mathematics course associated with the end-of-course assessment the State administers to high school students under ESEA section 1111(b)(2)(B)(v)(I)(bb) from the mathematics assessment the State typically administers in eighth grade under ESEA section 1111(b)(2)(B)(v)(I)(aa). NJDOE proposes exempting all middle school students, without limiting the exemption to eighth grade students who take the high school mathematics assessment the State uses for Federal accountability purposes under ESEA section 1111(b)(2)(B)(v)(I)(bb).
A.4.i.b: Additional Subgroups at SEA Discretion	In its State plan, NJDOE indicates that it will include former children with disabilities in the “children with disabilities” subgroup for two years after they exit the subgroup. Under the ESEA, NJDOE may include former children with disabilities as a separate subgroup, but may not include those students within the “children with disabilities” subgroup.
A.4.iv.c: Graduation Rate Indicator	In its State plan, NJDOE proposes a one-time request to move an English learner to the cohort corresponding to the year prior to his/her ninth grade entry year if the student meets certain conditions. However, the ESEA does not permit NJDOE to move students to an earlier graduation rate cohort; rather, it requires a State to calculate the four-year adjusted cohort graduation rate consistent with ESEA section 8101(25).
A.4.vi.a: Comprehensive Support and Improvement Schools – Lowest Performing	The ESEA requires a State to describe a methodology for identifying low-performing schools for comprehensive support and improvement that considers performance on all indicators. NJDOE’s proposed methodology to identify schools for comprehensive support and improvement in January 2018 does not consider performance on the Progress in Achieving English Language Proficiency indicator. NJDOE proposes a methodology to identify schools for comprehensive support and improvement based on all indicators (including the Progress in Achieving English Language Proficiency indicator) in January 2019; this does not meet the requirement, consistent with the Secretary’s April 2017 Dear Colleague letter, ¹ for a State to identify schools for comprehensive support and improvement by the beginning of the 2018-2019 school year.

¹ Available at: <https://www2.ed.gov/policy/elsec/leg/essa/dcltr410207.pdf>

<p>A.4.vi.e: Targeted Support and Improvement Schools – “Consistently Underperforming” Subgroups</p>	<p>The ESEA requires a State to describe a methodology for identifying schools with one or more consistently underperforming subgroups that considers performance on all indicators in the statewide system of annual meaningful differentiation. NJDOE proposes a methodology that only considers the Graduation Rate and Academic Achievement indicators.</p>
<p>A4.vi.f: Targeted Support and Improvement Schools – Additional Targeted Support</p>	<p>The ESEA requires a State to describe a methodology for identifying low-performing schools for additional targeted support and improvement that considers performance on all indicators. NJDOE’s proposed methodology to identify schools for additional targeted support and improvement in January 2018 does not consider performance on the Progress in Achieving English Language Proficiency indicator. NJDOE proposes a methodology to identify schools for additional targeted support and improvement based on all indicators (including the Progress in Achieving English Language Proficiency indicator) in January 2019; this does not meet the requirement, consistent with the Secretary’s April 2017 Dear Colleague letter, for a State to identify schools for additional targeted support and improvement by the beginning of the 2018-2019 school year.</p>
<p>A.4.viii.a: Exit Criteria for Comprehensive Support and Improvement Schools</p>	<p>In its State plan, NJDOE describes exit criteria that only require a school to no longer meet the identification criteria, which may not require schools to demonstrate continued progress to improve student academic achievement and school success in the State. The ESEA requires a State to establish and describe exit criteria that ensure continued progress to improve student academic achievement and school success in the State.</p>
<p>A.7: School Transitions</p>	<p>NJDOE describes how it will support LEAs receiving Title I, Part A funds to provide effective transition from early childhood to elementary school. However, the ESEA requires a State to describe how it will support LEAs receiving Title I, Part A funds in meeting the needs of students at all levels of schooling (particularly students in middle grades and high school), including how NJDOE will work with such LEAs to provide effective transitions of students to middle grades and high school to decrease the risk of students dropping out.</p>
<p>Title I, Part C: Education of Migratory Children</p>	
<p>B.1: Supporting the Needs of Migratory Children</p>	<ul style="list-style-type: none"> • The ESEA requires that NJDOE’s description of the planning of its program must include a description of: <ul style="list-style-type: none"> ○ How it is jointly planning among local, State, and Federal education programs, including language instruction educational programs under Part A of Title III. ○ How it is planning the integration of services available under Title I, Part C with services provided by those other programs. • In its description of implementing its program, NJDOE provided a description of the full

	<p>range of services it intends to provide to migrant children. However, the ESEA requires that NJDOE must also include a description of:</p> <ul style="list-style-type: none"> ○ How it is implementing the joint planning among local, state, and Federal education programs. ○ How it will address the unique needs of preschool migratory children and migratory children who have dropped out of school. ● The ESEA requires that NJDOE’s description of the evaluation of its program must include: <ul style="list-style-type: none"> ○ How it includes an evaluation of the joint planning among local, State, and Federal programs. ○ How it will evaluate the integration of services available under Part C of Title I with services provided by those other programs. ○ How it will address the unique needs of preschool migratory children and migratory children who have dropped of school. ● NJDOE describes how it will address the unique educational needs of migratory children through measureable program objectives and outcomes. However, the ESEA requires that NJDOE must also include a description of how the unique needs of preschool migratory children and migratory children who have dropped out of school are addressed through measureable program objectives and outcomes.
<p>B.2: Promote Coordination of Services</p>	<p>The ESEA requires that a State include specific information that explains how educational continuity occurs, including the timely transfer of pertinent school records, information on health and when children move from one school to another, and whether the move occurs during the regular school year or summer/intersession period and this is not addressed in the State plan.</p>
<p>Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk</p>	
<p>C.1: 1. Transitions Between Correctional Facilities and Local</p>	<p>While NJDOE includes a plan for assisting in the transition of children and youth from correctional facilities to locally operated programs, it does not include a plan for assisting in the transition of children and youth between locally operated programs and correctional facilities (<i>i.e.</i>, the transition from correctional facilities to locally operated programs as well as the transition from locally operated programs to correctional facilities). The ESEA requires a State to include a plan for assisting in the transition of children and youth from locally operated programs to correctional facilities.</p>
<p>Title II, Part A: Supporting Effective Instruction</p>	
<p>D.3: System of Certification and</p>	<p>In its State plan, NJDOE only describes its certification and licensing system for teachers. The</p>

Licensing	ESEA requires a State to also describe the State’s system of certification and licensing for principals or other school leaders.
D.4: Improving the Skills of Educators	In its State plan, NJDOE generally describes how it will improve the skills of educators, but it does not address each of the required subgroups of students. The ESEA requires a State to describe how it will improve the skills of teachers, principals, or other school leaders in order to enable them to identify students with specific learning needs and provide instruction based on the needs for such students, specifically for: children with disabilities, English learners, students who are gifted and talented, and students with low literacy levels.
D.5: Data and Consultation	<ul style="list-style-type: none"> • In its State plan, NJDOE generally describes the consultation that occurred prior to submitting its State plan. However, the ESEA requires a State to describe how the State will use data and ongoing consultation, as described in ESEA section 2101(d)(3), to continually update and improve the activities supported under Title II, Part A. • Although NJDOE lists a number of stakeholders that consulted on Title II, Part A in the Appendix prior to NJDOE submitting its State plan, it is not clear if the list of stakeholders includes all required stakeholders for its ongoing consultation consistent with ESEA section 2101(d)(3). The ESEA requires a State to describe how it will use ongoing consultation for all required stakeholders consistent with ESEA section 2101(d)(3), which includes teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a State that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of Title II.
Title III, Part A, Subpart 1: English Language Acquisition and Language Enhancement	
E.1: Entrance and Exit Procedures	The ESEA requires that a State include an assurance that all students who may be English learners are assessed for such status within 30 days of enrollment in a school in the State. NJDOE did not include that assurance.
Title IV, Part A: Student Support and Academic Enrichment Grants	
F.1: Use of Funds	NJDOE’s State plan indicates that, once Federal funds are allocated, NJDOE will determine how it will use funds under Title IV, Part A for State-level activities. The ESEA requires a State to describe in its State plan how it will use funds received under Title IV, Part A, Subpart 1 for State-level activities and the State plan should provide a specific description of the State-level activities the NJDOE will undertake now that it is aware of its 2017 Title IV, Part A, Subpart 1 allocation.

F.2: Awarding Subgrants	Note: The Consolidated Appropriations Act, 2017 (Pub. L. 115-31) provides States with a new option of awarding the Title IV, Part A subgrants to LEAs competitively. Please consider whether NJDOE wishes to revise this response in light of this new flexibility.
Education for Homeless Children and Youths Program, McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B	
I.3: Support for School Personnel	While NJDOE’s State plan describes programs for State and school personnel to heighten the awareness of the specific needs of homeless children and youth, NJDOE does not describe programs for school personnel to heighten the awareness of school personnel of the specific needs of <i>runaway and homeless</i> children and youth. The McKinney-Vento Act requires the State to describe programs for school personnel (including the LEA liaisons for homeless children and youth, principals and other school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel) to heighten the awareness of such school personnel of the specific needs of runaway and homeless children and youth.
I.4 iii: Access to Services	While NJDOE’s State plan includes information about resolving eligibility disputes, it does not describe procedures that ensure homeless children and youth who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs, if such programs are available at the State and local levels. The McKinney-Vento Act requires the State to describe procedures that ensure that homeless children and youth who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, and charter school programs, if such programs are available at the State and local levels.
I.6: Policies to Remove Barriers	While NJDOE’s State plan indicates there are policies to remove barriers to identification and enrollment, the plan does not demonstrate the SEA and LEAs have developed policies, which they will review and revise, to remove barriers to the enrollment and retention of homeless children and youth <i>due to outstanding fees or fines, or absences</i> . The McKinney-Vento Act requires the State to demonstrate how the SEA and LEAs in the State have developed, and will review and revise, policies to remove barriers to the enrollment and retention of homeless children and youth in the State due to outstanding fees or fines, or absences.
General Education Provisions Act (GEPA)	
GEPA 427	Section 427 of the General Education Provisions Act requires a State to provide a description of the steps it will take to ensure equitable access to, and participation in, the programs included in

	its State plan for students, teachers and program beneficiaries with special needs and this is not addressed in NJDOE’s plan.
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