



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

JUL 23 2015

The Honorable David C. Hesse
Commissioner of Education
New Jersey Department of Education
PO Box 500
Trenton, NJ 08625

Dear Commissioner Hesse:

I am writing in response to New Jersey's request for renewal of flexibility under the Elementary and Secondary Education Act of 1965, as amended (ESEA flexibility), so that New Jersey may continue to implement ESEA flexibility.

Our team, including my staff and other senior leaders at the U.S. Department of Education (ED), reviewed New Jersey's request dated June 29, 2015. Pursuant to section 9401(d)(2) of the ESEA, I am pleased to renew approval of New Jersey's ESEA flexibility request for three years, through the end of the 2017–2018 school year.

My decision to renew approval of New Jersey's ESEA flexibility request is based on my determination that ESEA flexibility has been effective in enabling New Jersey to carry out important reforms to improve student achievement and that this renewal is in the public interest. With this renewal, New Jersey will be able to continue implementing its plans to promote innovative, locally tailored strategies to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. New Jersey's approved request will be posted on ED's website.

This letter also provides my approval of New Jersey's amendment to its ESEA flexibility request. A summary of New Jersey's significant approved amendment is enclosed with this letter.

This renewal is subject to New Jersey's commitment to:

- Demonstrate, during ED's monitoring and follow-up of ESEA flexibility implementation, that it meaningfully collaborates with stakeholders on the implementation of its ESEA flexibility request, including with students, community-based organizations, civil rights organizations, organizations representing students with disabilities, organizations representing English learners, institutions of higher education, and Indian tribes.
- Demonstrate, during ED's monitoring and follow-up of ESEA flexibility implementation, that New Jersey is implementing its three-tiered system of differentiated interventions and supports for all Priority and Focus schools, as outlined in its amended ESEA flexibility request.

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<http://www.ed.gov/>

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

New Jersey continues to have an affirmative responsibility to ensure that it and its local educational agencies (LEAs) are in compliance with Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age in their implementation of ESEA flexibility. These laws include Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, the Age Discrimination Act of 1975, and requirements under the Individuals with Disabilities Education Act.

I am confident that New Jersey will continue to implement the reforms described in its approved ESEA flexibility request and advance its efforts to hold schools and LEAs accountable for the achievement of all students. If you need any additional assistance to implement your ESEA flexibility request, please do not hesitate to contact Zaid Abuhouran or Lisa Sadeghi of my staff at: OSS.NewJersey@ed.gov.

Thank you for your commitment and continued focus on enhancing education for all of New Jersey's students.

Sincerely,

(b)(6)

Ann Whalen
Delegated the authority to perform the functions
and duties of Assistant Secretary for Elementary
and Secondary Education

Enclosure

cc: Bari Erlichson, New Jersey Department of Education
Silvina Traba, New Jersey Department of Education

Approved Amendment to New Jersey's ESEA Flexibility Request

The following is a summary of the significant amendment that New Jersey included as part of its request for renewal of ESEA flexibility. ED approves this amendment because New Jersey's ESEA flexibility request, as amended, continues to be aligned with the principles of ESEA flexibility. Please refer to ED's website (<http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/nj.html>) for New Jersey's complete ESEA flexibility request.

- **State-Developed Differentiated Recognition, Accountability, and Support (Principle 2)**

Revision: In order to further refine its process to differentiate supports based on local need, New Jersey has developed a three-tiered system of differentiated interventions and supports for Priority and Focus schools. Tier I schools are the highest-need and lowest-capacity Priority and Focus schools in non-State-operated districts, Tier II schools are other Priority and Focus schools in non-State-operated districts, and Tier III schools are Priority and Focus schools in State-operated districts. Assignment to a tier will depend on internal capacity of a school as well as student outcomes. The level of involvement of New Jersey's Regional Achievement Centers (RACs) will be based on a school's classification, the amount and type of pre-work to be completed, levels and types of interventions and supports needed, and the frequency of onsite presence from field teams needed. Regardless of the RACs' involvement, all Priority and Focus schools will receive support to implement interventions.