



Request for Public Comment on Additional NCLB Waiver Opportunity

For Immediate Release

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The NJDOE is requesting the following two additional ESEA flexibility waivers: The NJDOE is asking for your comments regarding these two additional waiver requests. A Web page has been set up on the NJDOE Web site to accept your comments at: <http://www.state.nj.us/education/grants/nclb/waiver/> or, if you prefer, you may mail a letter to: Office of Title I, New Jersey Department of Education, P. O. Box 500, Trenton, NJ 08625-0500. Comments will be accepted for approximately two weeks from today. Please comment on each waiver separately using the comment box at the bottom of each of the waivers. All public comments submitted during the comment period will be promptly read, taken into consideration and submitted to the USDE.

On February 9, 2012, the New Jersey Department of Education (NJDOE) received notification that the United States Department of Education (USDE) approved the state's application to waive certain statutory and regulatory requirements of the Elementary and Secondary Education Act of 1965 (ESEA). Subsequent to this approval, the USDE issued notice of two additional ESEA flexibilities available to states with approved applications. Prior to submitting its request to the USDE, the state must provide notice and information regarding the waiver request to the public in the manner in which the state customarily provides such notice and information to the public (ESEA section 9401(b)(3)(A)(iii)), such as through a public website.

Specifically, the NJDOE is requesting the following additional ESEA flexibility waivers:

1. **Waiver of Requirements to Determine Adequate Yearly Progress (AYP)**

Sections 1116(a)(1)(A)-(B) and 1116(c)(1)(A) and the corresponding regulations require the NJDOE to determine AYP for all schools and districts. The NJDOE is seeking to waive this requirement. The NJDOE believes that continuing to determine AYP would be inconsistent with the state-developed differentiated recognition, accountability, and support system described in New Jersey's ESEA flexibility request. In particular, New Jersey's approved flexibility request created differentiated categories of schools, identified as Priority, Focus, and Reward schools, based on total school-wide and subgroup academic performance, measures of student growth, and graduation rate. Additionally, New Jersey's model includes the provision of a wide variety of data including school and subgroup-based Annual Measurable Objectives (AMOs) that must be analyzed in all schools for identification of areas of need and the development of improvement plans. This holistic performance assessment is counter to the concept of adequate yearly progress, which viewed student performance on the state assessment as the primary indicator of a school and district's success and did not look at the actual college and career readiness indicators across the school.

2. **Waiver of Requirements to Serve and Allocate Funds to Title I Schools in Rank Order of Poverty**

Sections 1113(a)(3)-(4) and 1113(c)(1) of the ESEA and the corresponding regulations require a district to serve eligible schools under Title I in rank order of poverty and to allocate Title I, Part A funds based on that rank ordering. The NJDOE is seeking to waive this requirement. Under a waiver, districts would be able to use their Title I, Part A funds to serve a Title I-eligible high school with a graduation rate below 60 percent that the NJDOE has identified as a priority school, even if that school does not rank sufficiently high to be served in accordance with section 1113(a)(3)-(4). This waiver would benefit those high schools identified as the lowest performing in the state identified even though their poverty percentage may not be as high as other Title I schools that are eligible to be served. The infusion of Title I, Part A funds would enable these high schools to better increase the quality of their instruction and improve the academic achievement of all their students, concurrently increasing their graduation rates.