



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

JAN 8 2009

The Honorable Lucille E. Davy
Commissioner
New Jersey Department of Education
100 River View Plaza
P.O. Box 500
Trenton, New Jersey 08625-0500

Dear Commissioner Davy:

As we approach our seventh year of implementing the *Elementary and Secondary Education Act of 1965* (ESEA), as amended by the *No Child Left Behind Act of 2001* (NCLB), I want to take a moment to thank you and your colleagues for all your hard work to help realize the goals of NCLB, which has led to real and meaningful improvements in student achievement. These outcomes are due, in no small part, to the efforts of the dedicated educators in your state. We have seen an increased attention to high expectations for every child, an improvement in student performance across the board, and a decrease in achievement gaps.

As Secretary Spellings is fond of saying, "what gets measured, gets done." With that in mind, I want to take this opportunity to update you on the status of some NCLB cornerstones with respect to New Jersey. Detailed information on specific components of your state's assessment and accountability system is contained in an attachment to this letter.

- Assessment system: An assessment system that produces valid and reliable results is fundamental to an accountability system that holds schools and districts accountable for educating all students. Information regarding both the reading/language arts and mathematics assessment system used in determining adequate yearly progress for schools and districts in your state as well as details of the 2007–08 administration of science assessments are attached.
- Accountability components: The Department's new Title I regulations provide for greater scrutiny of states' accountability systems, including establishing a uniform and more accurate measure of calculating high school graduation rate that is comparable across states and requiring that states ensure that statistical measures maximize the inclusion of students and student subgroups in accountability determinations. Hence, the regulations also require that all states submit portions of their Accountability Workbook for peer review. In the attachment to this letter you will find information on New Jersey's minimum group size, annual measurable objectives, confidence interval, full academic year definition, performance index, and graduation rate.
- Departmental flexibilities: Over the past several years, the Secretary has offered several flexibilities to states, such as growth model and differentiated accountability pilots, assessing students with disabilities and recently arrived limited English proficient students, and discretionary grant programs, such as the Teacher Incentive Fund, Enhanced Assessment Grants, and State Longitudinal Data System Grants. I am pleased to note that New Jersey is participating in several of these endeavors.
 - General Supervision Enhancement Grantee: New Jersey, in partnership with Pearson, Inc., received funds to towards the refining of an alternate assessment based on alternate academic achievement standards. (Year 2: \$52,625; Year 3: \$42,875)

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202
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.

- Finally, I'd like to take this opportunity to thank you for your letter of December 3, 2008 in which you confirmed that New Jersey will set performance standards for your biology high school assessment following the May 2009 administration and forward cut scores to the state board for approval in Summer of 2009. In addition we look forward to continued review of New Jersey's new assessments starting with those administered in spring of 2008, in grades 5, 6, 7 and 8 for language arts literacy and mathematics.

In addition, for your information, I am enclosing a file that provides information across all states on the current assessment status, participation in flexibilities offered by the Department, AYP information, and discretionary grants. I wish you continued success in raising the achievement in New Jersey. NCLB has focused our attention on closing achievement gaps and increasing the awareness of those students who have often been left behind: economically disadvantaged students, students from racial and ethnic minorities, limited English proficient students, and students with disabilities. I have enjoyed the opportunity to work with you and all your colleagues across the country on such important issues.

Sincerely,



Kerri L. Briggs, Ph.D.

Enclosures

cc: Governor Jon Corzine
Jay Doolan
Timothy Peters
Suzanne Osche

Assessment System

Your assessment system is considered *Approval Pending*. This means New Jersey's standards and assessment system does not meet all statutory and regulatory requirements of Section 1111(b)(1) and (3) of the *Elementary and Secondary Education Act (ESEA)*, as amended by the *No Child Left Behind Act of 2001 (NCLB)*. I encourage you to consider whether there are any areas in which the Department can provide or facilitate technical assistance in meeting the statutory or regulatory requirements or as you consider changes to your current assessment system.

- Because your state's assessment system is not fully approved, New Jersey must submit evidence enclosed with this letter and that was originally sent on June 27, 2007. I know that New Jersey recently submitted evidence for review. A review was conducted on December 30, 2008 and New Jersey will be receiving feedback soon.
- New Jersey's science assessments are not yet fully compliant.
 - In 2007–08, the Department required that the state meet four minimal criteria related to the content area of science: have science content standards; have a general and alternate science assessment; include all students in one of the science assessments (i.e., either the general or alternate); and report the results of the science assessments. New Jersey met these requirements. I know that New Jersey submitted evidence regarding your science assessments for review in October 2008. New Jersey will be receiving formal feedback as soon as possible. Beginning with the 2008–09 school year, science assessments will be included in the states' assessment status. For additional detail, please see the enclosed fact sheet.

Accountability System

- Minimum group size (the state-defined minimum number of students necessary to have valid and reliable AYP determinations): New Jersey's minimum group size is 30 students. (The average across all states is approximately 30 students.)
- Annual measurable objectives (AMO) (the yearly target for the percentage of students required to be proficient or above for a school to make AYP):
 - 2008–09: New Jersey's AMOs for students proficient in grades 3-8 and in high school in reading/language arts and mathematics are as follows:

Math	3	69%
Math	4	69%
Math	5	69%
Math	6	61%
Math	7	61%
Math	8	61%
Math	11	74%
Reading	3	73%
Reading	4	73%
Reading	5	73%
Reading	6	72%
Reading	7	72%
Reading	8	72%
Reading	11	85%

- AMO type: New Jersey set its AMOs consistent with the statutory requirements, using a stair step method. This means that New Jersey' AMOs increased in equal increments every three years through 2013–2014 to reach 100 percent proficient.
- Confidence interval: New Jersey applies a 95 percent confidence interval.

- Full academic year definition (for purposes of determining whether a student's score must be included in AYP determinations): In New Jersey, a student must be enrolled on July 1st through the test administration in order to be included in AYP determinations for the school.
- Graduation rate:
 - Currently, New Jersey is using a graduation rate that can be described as a dropout rate. New Jersey is dividing the number of students who drop out in grades 9–12 each year by the total enrollment.
 - As required by the recently issued Title I regulations, states must report graduation rate data, in the aggregate and disaggregated by subgroup, using the four-year adjusted cohort graduation rate beginning with report cards providing assessment results for the 2010-11 school year.
 - The graduation rate target New Jersey requires for a district or school to reduce its dropout rate by .5 percent per year until they reach the 2.6 percent statewide average.
 - According to the National Governor's Association 2008 report *Implementing Graduation Counts: State Progress to Date, 2008*, "New Jersey is taking steps to report the NGA Compact 4-year graduation rate by 2010."

SUMMARY OF ADDITIONAL EVIDENCE THAT NEW JERSEY MUST SUBMIT TO MEET ESEA REQUIREMENTS FOR NEW JERSEY'S STANDARDS AND ASSESSMENTS

2.0 - ACADEMIC ACHIEVEMENT STANDARDS

1. Performance level descriptors (PLDs) for the general and the Alternate Proficiency Assessment science assessments in grades 4, 8, and high school biology), including content-based competencies associated with all three achievement levels and, for biology, for every cluster, including "application."
2. Evidence of Board approval of the PLDs and cut scores for the general and APA science assessments in grades 4, 8 and high school biology).
3. Evidence that the scoring of the APA science addresses only academic content linked to grade level at the individual student level and does not include programmatic features.
4. Documentation that New Jersey has reported separately the number and percentage of those students with disabilities assessed against alternate academic achievement standards and those included in the general science assessment (including those administered with appropriate accommodations).
5. Evidence of diverse stakeholder involvement in the development of academic achievement standards, including content specialists and representatives for students with disabilities and students with limited English proficiency for grades 4 and 8 and high school biology, for both the general and APA science assessments.

3.0 - FULL ASSESSMENT SYSTEM

1. Evidence that the results for the Spanish-language versions and the English version of the grade 8 science are comparable.
2. Evidence that the science assessments, including the general assessment and the APA for grades 4 and 8 and high school biology, measure higher-order thinking skills and student understanding of challenging content. Such evidence may include test blueprints indicating numbers of items at different cognitive levels, alignment studies, and/or results of content reviews that include cognitive level reviews.

4.0 - TECHNICAL QUALITY

1. Evidence of validity and reliability for all areas of the technical quality section of the Department's Standards and Assessments Peer Review Guidance: Information and Examples for Meeting Requirements of the No Child Left Behind Act of 2001 for the biology end-of-course test, the Spanish-language version of the grade 8 science assessment, and the APA science (grades 4, 8, and high school biology).
2. Information concerning intended and unintended consequences for the grade 4 science assessment.
3. Reliability data for the science assessments in grades 4 and 8 for each reported subpopulation.
4. Documentation of the conditional standard error of measurement for the grade 8 science assessment.
5. Evidence that the use of accommodations and/or the APA yield meaningful scores.
6. Evidence concerning how the state monitors the on-going quality of its science assessments.
7. Evidence that appropriate accommodations are available to students with disabilities and limited English proficient (LEP) students and that these accommodations are used in a manner that is consistent with instructional approaches for each student, as determined by a student's IEP or 504 plan.

8. Evidence that the state monitors availability of accommodations during test administrations.
9. Evidence that the state has determined that scores for students with disabilities and LEP students that are based on accommodated administration conditions will allow for valid inferences about these students' knowledge and skills and can be combined meaningfully with scores from non-accommodated administration conditions.

5.0 - ALIGNMENT

1. Documentation of the implementation of revised scoring of the APA in 2007-08 school year.
2. Complete description of the standard setting procedures, panelists and evidence of formal adoption of the new alternate achievement standards.
3. Evidence of alignment for with the 2005 Core Content Curriculum Standards (CCCS) for all general and APA science assessments in grades 4, 8, and high school biology. The evidence should include comprehensiveness, range, depth, degree of cognitive complexity, content knowledge and process skills, and degree and pattern of emphasis.
4. PLDs for the APA that address alignment to the CCCS.
5. Evidence, such as a plan and timeline, for improving and maintaining alignment between assessments and standards over time and how the state addresses gaps, both annually and when content standards are reviewed periodically.

6.0 - INCLUSION

1. Definition for "Status 3 Students," (referred to in APA Score Interpretation Manual, page 28), and the rationale for why they are excluded from the state reports.
2. Guidelines or processes to assist IEP teams and teachers in the selection and administration of appropriate accommodations for the general and alternate science assessments.
3. Evidence of training components and content for general and special education teachers for science assessments, particularly for the APA, which requires teachers to choose standards and activities.
4. Science assessment data report confirming that all students in the grades tested are included in the science assessments.

7.0 - REPORTING

1. Evidence of reports for the general and APA biology assessment, consistent with the reporting section of the Department's Standards and Assessments Peer Review Guidance: Information and Examples for Meeting Requirements of the No Child Left Behind Act of 2001.
2. Student reports for both the general and APA science assessments in grades 4 and 8, including performance descriptions to show what students know and can do, so that parents, teachers, and principals can interpret and address a student's specific academic needs.
3. Documentation that the state ensures student confidentiality in reporting science assessment results.
4. APA reports for science that provide analyses by subdomains or standards so that parents, teachers, and principals can interpret and address the specific academic needs of students.