



State of New Jersey

DEPARTMENT OF EDUCATION

PO Box 500

TRENTON, NJ 08625-0500

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHRISTOPHER D. CERF
Acting Commissioner

May 18, 2012

Michael Yudin
Acting Assistant Secretary
for Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Dear Mr. Yudin:

I am writing to request four waivers with regard to New Jersey's School Improvement Grants (SIG) program under section 1003(g) of the Elementary and Secondary Education Act of 1965 (ESEA). Two of the waivers ask for an extension of the period of availability for the (FY) 2008 and 2010 funds; and two waivers to extend the period of implementation of teacher and principal evaluation components for schools implementing the transformation model.

Under section 421(b) of the General Education Provisions Act (GEPA) (the "Tydings Amendment"), FY 2008 SIG funds must have been obligated by September 30, 2011. Currently, New Jersey has \$857,602 in unobligated FY 2008 SIG funds. This is the total amount that was not expended by LEAs. Therefore, I am requesting, on behalf of New Jersey, a waiver of section 421(b) of GEPA for the unobligated portion of New Jersey's FY 2008 SIG funds. Specifically, I am seeking this waiver to extend the period of availability for the FY 2008 SIG funds for an additional 24 months until September 30, 2013 with a Tydings end date of September 30, 2014.

These SIG funds remain unobligated for the 2008-2009 state project period because the NJDOE experienced a considerable delay in receiving final reports. The USDE approved the initial waiver of the obligation period to September 30, 2011. New Jersey anticipates being able to obligate these funds in a thoughtful manner that will increase the quality of instruction and academic performance for students prior to that deadline.

In addition, I am requesting, on behalf of New Jersey, a waiver of section 421(b) of GEPA for the unobligated portion of New Jersey's FY 2010 SIG funds. Specifically, I am seeking this waiver to extend the period of availability for the FY 2010 SIG funds for an additional 24 months until September 30, 2013 with a Tydings end date of September 30, 2014.

New Jersey will combine the remaining FY 2008 and 2010 SIG funds with its 2011 SIG and use the combined funds to make FY 2011 SIG awards consistent with the SIG final requirements. New Jersey will hold each LEA that receives FY 2010 SIG funds accountable in accordance with the annual goals that the LEA includes in its FY 2011 SIG application.

New Jersey assures that it is in the process of providing all LEAs in the state with notice and a reasonable opportunity to comment on this request. New Jersey provided such notice on April 27, by broadcasting a letter to each chief school administrator and charter school lead person (see copy of notice attached). To expedite its waiver request, New Jersey is submitting copies of comments received from LEAs after the comment period closed on April 27, 2012. New Jersey has also provided notice and information regarding this waiver request to the public in the manner in which New Jersey customarily provides such notice and information to the public via our Title I Web site at:

<http://www.state.nj.us/education/grants/nclb/waiver/>

New Jersey further assures that, if it receives the requested waiver, New Jersey will meet the following conditions:

- New Jersey assures that it will use its unobligated FY 2008 SIG funds in conjunction with its FY 2010 and 2011 SIG funds to support its Cohort 1 and 2 schools and will require each LEA that receives those funds to expend them in accordance with the final requirements of the SIG program (74 Fed. Reg. 65618 (Dec. 10, 2009) and 75 Fed. Reg. 3375 (Jan. 21, 2010)).
- New Jersey will submit any comments it receives to USDE.

In addition, I am writing on behalf of New Jersey to request a waiver of the requirement in Section I.A.2(d)(1)(i)(B) of the final requirements for the School Improvement Grants (SIG) program, which requires a local educational agency (LEA) to develop and implement teacher and principal evaluation systems that meet certain requirements during the first year a school is implementing the transformation model. Those systems must be rigorous, transparent, and equitable and take into account data on student academic growth as a significant factor as well as other factors, such as multiple observation-based assessments of performance, ongoing collections of information on professional practice reflective of student achievement, and increased high school graduation rates. This waiver would permit the New Jersey Department of Education, in accordance with criteria New Jersey develops, to permit an LEA that is implementing the transformation model in one or more schools to take additional time to develop and implement high-quality evaluation systems that meet these requirements.

I understand that this waiver would apply only to evaluation systems for Cohort 1 and Cohort 2 SIG schools as follows:

- A school that began implementing the transformation model during the 2010–2011 school year (cohort 1) and that was not able to complete the development and implementation of its evaluation systems during that year must develop them during the 2011–2012 school year and, at a minimum, pilot them for all teachers and principals no later than the 2012–2013 school year. The piloted systems should be capable of being used for decisions regarding, for example, retention, promotion, compensation, and rewards, no later than the 2013–2014 school year.
- A school that begins implementing the transformation model in the 2011–2012 school year (cohort 2) must develop its evaluation systems during that year, pilot them for all teachers and principals during the 2012–2013 school year, and use the system in the school, including for decisions regarding, for example, retention, promotion, compensation, and rewards, no later than the 2013–2014 school year.

New Jersey seeks this waiver because many SIG schools have been unable to fully implement research-based teacher and principal evaluation systems within the required federal timelines. New Jersey believes that the additional time will enable qualifying LEAs to meet the SIG final requirements, while encouraging the development and implementation of high-quality teacher and principal evaluation systems that will increase the quality of instruction for students and improve the academic achievement of students.

New Jersey selected the goal of closing half of its achievement gap within six years. Calculated annual measurable objectives (AMOs) are performance targets that will be used by the state, districts, schools, and subgroups to close this gap in equal increments each year. New Jersey will set AMOs for each subgroup in a school and measure and report progress toward that goal. The state will also use a gap closure measure that is defined as the difference between the 25th and 75th percentile of students in reading and mathematics.

New Jersey will determine adequate yearly progress (AYP) based on assessments administered in the 2011–2012 school year in accordance with the requirements of section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 *and in accordance with the growth model approved by the Department*. New Jersey believes that by affording an LEA more time to develop and implement teacher and principal evaluation systems, schools implementing the transformational model will be better prepared with the knowledge and skills to ensure these parallel pilots are implemented with fidelity and buy-in from all stakeholders.

If granted a waiver of the implementation timeline for the evaluation systems requirements of the transformation model, NJDOE assures it will:

- € Develop criteria that New Jersey will use to:
 - Evaluate LEA requests for timeline extensions, including by evaluating whether an LEA has demonstrated sufficient commitment to, and progress in, implementing principal and teacher evaluation systems for its cohort 1 or cohort 2 schools to justify the receipt of a timeline extension and whether, if an extension is granted, the LEA will be able to meet the timelines described above for developing and implementing evaluation systems; and
 - Distinguish among LEAs that have met the requirements; those that are making sufficient progress toward meeting the requirements; and those that have not made a good-faith effort to meet the requirements.
- € Approve an LEA request to implement the waiver only if NJDOE determines, based on its criteria, that the LEA warrants an extension of the evaluation systems timeline.
- € Develop a technical assistance and support plan that outlines how NJDOE will differentiate support to LEAs based on their current level of implementation and will provide LEAs with the assistance they need to meet the evaluation system requirements by assisting LEAs in selecting observational rubrics, developing student growth metrics, disseminating guidance for developing student learning outcomes, and training raters.
- € Develop a monitoring plan for the 2012–2013 school year, specifically for the LEAs that receive timeline extensions, that will help ensure that the LEAs are on track to pilot the required evaluation systems no later than the 2012–2013 school year (Cohorts 1 and 2) and fully implement the evaluation systems no later than the 2013–2014 school year (Cohort 2), as required.

- € Within 30 days of receiving the waiver from the U.S. Department of Education, post on its public Web site the criteria, process, and timeline for reviewing an LEA's extension request.
- € Within 30 days of NJDOE approving LEA extension requests, post on its public Web site and submit to the Department (via e-mail to school.improvement.grants@ed.gov) the names of the LEAs (including their NCES District Identification Number) for which it has approved a timeline extension and the schools (including their NCES School Identification Number) within those LEAs that will benefit from the extension, including an indication of the cohort to which each school belongs.
- € Determine what action it will take with respect to LEAs that have not made a good-faith effort to meet the evaluation system requirements.

Prior to submitting this waiver request, NJDOE provided all LEAs in New Jersey with notice and a reasonable opportunity to comment on the request. NJDOE provided the attached notice. Copies of all comments that NJDOE received from LEAs in response to this notice are attached hereto. NJDOE has also provided notice and information regarding this waiver request to the public in the manner in which NJDOE customarily provides such notice and information by posting information regarding the waiver request on its Web site.

Please feel free to contact Karen Campbell, Director of the Office of Title 1, by phone (609) 341-3403 or email (Karen.campbell@doe.state.nj.us) if you have any questions regarding this request. Thank you for your consideration.

Sincerely,



Penny MacCormack
Chief Academic Officer/Assistant Commissioner

Attachments

PM\KC\SIG SCHOOL IMPROVEMENT GRANT\Waivers\2012 SIG Waivers

c: Members, State Board of Education
Acting Commissioner Christopher D. Cert
David Hesper
Senior Staff
Anne Corwell
Karen Campbell
Pat Mitchell
ESEA Advisory Council
ESEA School Improvement Committee
Executive County Superintendents
Lee Group
Garden State Coalition of Schools



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PO BOX 500

TRENTON, NJ 08625-0500

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHRISTOPHER D. CERF
Acting Commissioner

April 10, 2012

TO: Chief School Administrators of Title I Districts
Charter School Lead Persons of Title I Districts

FROM: Penny MacCormick, Chief Academic Officer/Assistant Commissioner
Division of Academic Standards

SUBJECT: Title I School Improvement Grant (SIG) Waivers for Cohorts 1 and 2 – Notification and Request for Comments

School Improvement Grants (SIG), authorized under section 1003(g) of Title I of the Elementary and Secondary Education Act of 1965 (Title I or ESEA), are grants to state educational agencies (SEAs) that SEAs use to make competitive subgrants to local educational agencies (LEAs) that demonstrate the greatest need for the funds and the strongest commitment to use the funds to provide adequate resources in order to raise substantially the achievement of students in their lowest-performing schools. School improvement funds are to be focused on each state's "Tier I" and "Tier II" schools. Tier I schools are a state's persistently lowest-achieving Title I schools in improvement. Tier II schools are a state's persistently-lowest achieving secondary schools that are eligible for, but do not receive, Title I, Part A funds. Nineteen schools in eight districts were awarded SIG funds for Cohorts 1 and 2. The SIG project period for approved schools began for Cohort 1 on September 1, 2010 and September 1, 2011 for Cohort 2.

Each state is eligible to apply and receive a School Improvement Grant. As part of its FFY2012 application for a School Improvement Grant under section 1003(g) of the ESEA, New Jersey is applying for four waivers. The state believes that the requested waivers will increase its ability to implement the SIG program effectively. The waivers below are those for which the state is applying.

Waiver of LEA Requirements

Waiver #1: Period of availability of FY 2010 carryover funds

- ✓ Waive section 421(b) of the General Education Provisions Act (20 U.S.C. § 1225(b)) to extend the period of availability of FY 2010 carryover school improvement funds for the SEA and all of its LEAs to September 30, 2014.

Waiver #2: Period of availability of FY 2008 carryover funds waiver

- ✓ Waive section 421(b) of the General Education Provisions Act (20 U.S.C. § 1225(b)) to extend the period of availability of FY 2010 carryover school improvement funds for the SEA and all of its LEAs to September 30, 2013.

Waiver #3: Period of implementation of teacher and principal evaluation for Cohort 1 in schools with transformation model waiver

- ✓ Waive section I.A.2(d)(1)(i)(B) of the final requirements for the School Improvement Grants (SIG) program, which requires a local educational agency (LEA) to develop and implement teacher and principal evaluation systems that meet certain requirements during the first year a school is implementing the transformation model. A school that began implementing the transformation model during the 2010–2011 school year (Cohort 1) and that was not able to complete the development and implementation of its evaluation systems during that year must develop them during the 2011–2012 school year and, at a minimum, pilot them for all teachers and principals no later than the 2012–2013 school year. The piloted systems should be capable of being used for decisions regarding, for example, retention, promotion, compensation, and rewards, no later than the 2013–2014 school year.

Waiver #4: Period of implementation of teacher and principal evaluation for Cohort 2 in schools with transformation model waiver

- ✓ Waive section I.A.2(d)(1)(i)(B) of the final requirements for the School Improvement Grants (SIG) program, which requires a local educational agency (LEA) to develop and implement teacher and principal evaluation systems that meet certain requirements during the first year a school is implementing the transformation model. A school that begins implementing the transformation model in the 2011–2012 school year (cohort 2) must develop its evaluation systems during that year, pilot them for all teachers and principals during the 2012–2013 school year, and use the system in the school, including for decisions regarding, for example, retention, promotion, compensation, and rewards, no later than the 2013–2014 school year.

In its letter to Chief State School Officers, Acting Assistant Secretary Michael Yudin from the United States Department of Education (USDE) stated that the Secretary would consider waiver requests with respect to the requirement in Section I.A.2(d)(1)(i)(B) of the final requirements for the School Improvement Grants (SIG) program, which requires a local educational agency (LEA) to develop and implement teacher and principal evaluation systems that meet certain requirements during the first year a school is implementing the transformation model. Those systems must be rigorous, transparent, and equitable and take into account data on student academic growth as a significant factor as well as other factors, such as multiple observation-based assessments of performance, ongoing collections of information on professional practice reflective of student achievement, and increased high school graduation rates. This waiver would permit [State Educational Agency (SEA)], in accordance with criteria New Jersey develops, to permit an LEA that is implementing the transformation model in one or more schools to take additional time to develop and implement high-quality evaluation systems that meet these requirements.

New Jersey is intending to apply for these waivers. Prior to the state submitting its request to the USDE, it must provide all interested LEAs in the state with notice and a reasonable opportunity to comment on the request (ESEA Section I.A.2(d)(1)(i)(B)). The state must submit all comments it receives from those LEAs to the Secretary along with its application for the waivers. The Secretary will consider these comments when determining whether to grant the waiver requests. The state must also provide notice and information regarding the waiver request to the public in the manner in which the SEA customarily provides such notice and information to the public (ESEA section 9401(b)(3)(A)(iii)), such as through a public website.

New Jersey intends to apply for these four waivers. The state must submit its request to the USDE and provide all interested LEAs in the state with notice and a reasonable opportunity to comment on the request. The state must submit all comments it receives from those LEAs. The USDE will consider these

comments when determining whether to grant the waiver requests. The state must also 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, such as through a public website.

As such, New Jersey is asking for your comments regarding School Improvement Grants (SIG), authorized under section 1003(g) of Title I of the Elementary and Secondary Education Act of 1965. Comments will be accepted until Friday, April 27, 2012. Please comment on each waiver separately in your reply. All public comments submitted during the comment period will be promptly read, taken into consideration and submitted to the USDE. Please submit your comments regarding the four School Improvement Grant waivers via web at: <http://www.nj.gov/education/title1/program/siapg.shtml>.

If you prefer, you may send your comments to TitleOne@doe.state.nj.us or you may mail a letter to: Title I, New Jersey Department of Education, Office of Title I, PO Box 500, Trenton, NJ 08625-0500.

More information about School Improvement Resources can be found at these Web sites:

- ✓ Federal Guidance on School Improvement Grants under Section 1003(g)
<http://www2.ed.gov/programs/sif/sigguidance11012010.pdf>
- ✓ SEA School Improvement Grants Application: <http://ed.gov/programs/sif/applicant.html>
- ✓ Final Requirements for SIG 1003(g) Federal Register *updated 10/28/10*
<http://www.gpo.gov/fdsys/pkg/FR-2010-10-28/pdf/2010-27313.pdf>
- ✓ USDE School Improvement Fund Website: <http://ed.gov/programs/sif/index.html>

Thank you for your feedback. If you have additional questions, email the NJDOE Title I email helpline: TitleOne@doe.state.nj.us.

PM\KCSIG SCHOOL IMPROVEMENT GRANT\Waivers\10-4-2011 SIG Waivers

c: Members, State Board of Education
Acting Commissioner Christopher D. Cert
David Hespe
Senior Staff
Anne Corwell
Karen Campbell
NCLB Advisory Council
NCLB School Improvement Committee
Executive County Superintendents
Lee Group
Garden State Coalition of Schools

PUBLIC COMMENTS

From: Pease, Mark [<mailto:mpease@palmyra.k12.nj.us>]

Sent: Friday, April 27, 2012 3:04 PM

To: Title One

Subject: Waiver 3 of Period of Implementation of Teacher and Principal Evaluation for Cohort 2 in Schools with Transformation Model

Comment to Waivers #3

I support the decision of the NJDOE to apply for waivers #3; the period of implementation of teacher and principal evaluation for Cohort 2 in schools with the transformational model waiver. This would give LEAs additional time to properly implement evaluation systems for both teachers and principals. This would allow LEAs to look fairly at school personnel's ability to provide increases in student academic growth, student achievement, and graduation rates.

Mark L. Pease

Principal

Palmyra High School

311 W 5th Street

Palmyra , NJ 08065

856-786-9400

From: Pease, Mark [<mailto:mpease@palmyra.k12.nj.us>]

Sent: Friday, April 27, 2012 3:03 PM

To: Title One

Subject: Waiver 2 of Period of Implementation of Teacher and Principal Evaluation for Cohort 1 in Schools with Transformation Model

Comment to Waivers #2

I support the decision of the NJDOE to apply for waivers #2; the period of implementation of teacher and principal evaluation for Cohort 1 in schools with the transformational model waiver. This would give LEAs additional time to properly implement evaluation systems for both teachers and principals. This would allow LEAs to look fairly at school personnel's ability to provide increases in student academic growth, student achievement, and graduation rates.

Mark L. Pease

Principal

Palmyra High School

311 W 5th Street

Palmyra , NJ 08065

856-786-9400

From: Pease, Mark [<mailto:mpease@palmyra.k12.nj.us>]

Sent: Friday, April 27, 2012 3:02 PM

To: Title One

Subject: Waiver 1 of Period of Availability of 2008 Carryover Funds

Although Palmyra School District does not receive funds from the School Improvement Grant (SIG), we support the NJDOE decision to apply for Waiver #1 which would extend the period of availability of Fiscal Year 2008 carryover improvement funds for the SEA and all of its' LEA to September 30, 2013. This would give the LEAs additional time to take advantage of funds that would improve instruction to all students, hire highly qualified staff, and provide professional development to train teachers on new curriculum initiatives.

Mark L. Pease

Principal
Palmyra High School
311 W 5th Street
Palmyra , NJ 08065
856-786-9400

From: Marybeth Beichert [<mailto:mbeichert@njea.org>]

Sent: Friday, April 27, 2012 12:08 PM

To: Title One

Subject: Waiver 3 of Period of Implementation of Teacher and Principal Evaluation for Cohort 2 in Schools with Transformation Model

The New Jersey Education Association agrees with the New Jersey Department of Education's request for School Improvement Grant (SIG) waivers of implementation of teacher and principal evaluations for Cohort 2 in schools with transformation models.

We have several concerns beginning with the fact that the rest of the state is not scheduled to begin implementing the evaluation system until September 2013. SIG schools must be consistent with state evaluation regulations – which haven't been proposed as of yet.

Teacher and principal evaluations systems need to be aligned and created in concert with one another. Research shows the success of one depends on the success of the other. It is our position that more time is needed to make sure the process is given every opportunity to be successful.

Please contact us if you need further information

Marybeth Beichert
Associate Director Government Relations
NJEA
(609) 599-4561, Ext. 2247