



New Jersey School Boards Association

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ROWAN UNIVERSITY 9TH ANNUAL SCHOOL LAW FOR PRINCIPALS CONFERENCE SPONSORED BY: THE EDUCATIONAL INSTITUTE OF ROWAN UNIVERSITY

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"No Child Left Behind makes history in American education
and builds futures for America's students."

Rod Paige, U.S. Secretary of Education

No Child Left Behind: AYP the New Jersey Way

Introduction - On January 8, 2002, President Bush signed into law the "No Child Left Behind Act (NCLB)." This Act reauthorizes the nation's preeminent federal education law, the Elementary and Secondary Education Act of 1965 (ESEA) and is the broadest modification of the ESEA since its enactment. NCLB extends the federal government's role in education delivery and impacts upon all public school districts in the nation. The Act identifies several areas for monitoring and evaluation to ensure that every public school district receiving federal funds improves school quality and student achievement. NCLB contains four basic education reform principles: stronger accountability for results, increased flexibility and local control, expanded options for parents and an emphasis on teaching methods that have been proven to work. The full version of NCLB can be found at <http://www.nochildleftbehind.gov>

- New Jersey's NCLB Q&A—<http://www.nj.gov/njded/grants/nclb/faq.shtml>

Nothing contained in this document should be construed as legal advice. This document is for informational purposes only. Please consult your board attorney for legal advice.

I. Standards, Assessment and Accountability

A. Standards - NCLB requires each state to create rigorous academic standards in the areas of math, language arts literacy and science (2005-2006) and to assess every student's progress using tests that are properly aligned to those standards.

1. Revised N.J. Core Curriculum Content Standards – Adopted July 2002
See SDOE website <http://www.state.nj.us/njded/cccs/>
 - a. Language Arts Literacy
 - b. Mathematics
 - c. Science
2. N.J. Revisions – April 2004
 - a. New- Technological Literacy and Career Education and Consumer, Family and Life Skills.
 - b. Revised – Language Arts Literacy, Visual and Performing Arts, Comprehensive Health and Physical Education, World Languages
 - c. Social Studies standards currently under review – Fall 2004.
3. USDOE Standards and Assessment Non-Regulatory Draft Guidance
<http://www.ed.gov/policy/speced/guid/nclb/standassguidance03.pdf>

B. Assessment

1. Beginning in 2002-03, each state must administer assessment tests in Language Arts Literacy and Math in at least one grade in each of three grade spans, 3-5, 6-9 and 10-12.
2. Annual testing in Math and Language Arts Literacy will be required beginning in 2005-06 for grades 3-8, and one year in grades 10-12. Beginning in 2007-08, Science must be tested in at least one grade in each of three grade levels, 3-5, 6-9, and 10-12.
3. New Jersey plans to phase in the testing over a three-year period.
N.J.A.C. 6A:8-4.1.
 - a. Elementary

(1)	2002-03	Grades 3,4	LAL, M
(2)	2003-04	Grades 3,4,5,6	LAL, M, S (4)
(3)	2004-05	Grades 3,4,5,6,7	LAL, M, S (4)

4/1/04 Accountability Workbook Revisions

NJASK3 – field test 2003, benchmark test 2004, operational test 2005

Science Grade 4 – field test 2004

Grades 5,6,7 – to be added 2005-2006

All tests to be administered in March

b. Secondary

(1)	GEPA	Grade 8	LAL, M S (2002-03)
(2)	HSPA/SRA	Grade 11	LAL, M S (2005-06)
(3)	APA	Grades 4,8,11	LAL, M

***4/1/04 Accountability Workbook Revisions
Science HS – field test 2004***

4. USDOE approval given to New Jersey for administration of new third and fourth grade tests, Spring 2003. <http://www.state.nj.us/njded/news/2003/0318ask.htm>
 - a. NJ ASK 3 (Assessment of Skills and Knowledge) – new, piloted 2003.
 - b. NJ ASK 4 (Assessment of Skills and knowledge) - replaced ESPA.
 - c. Both tests administered May 20-23, 2003.
 - d. ETS site - <http://www.ets.org/njask>
5. USDOE Standards and Assessment Non-Regulatory Draft Guidance <http://www.ed.gov/policy/speced/guid/nclb/standassguidance03.pdf>
6. Beginning in 2002-03, all states will be expected to participate in the 4th and 8th grade reading and mathematics sections of the National Assessment of Educational Progress (NAEP). NAEP is given to a random sample of students in the state, not all students. LEA participation is mandatory, if requested. If no participation, lose Title I money. <http://www.state.nj.us/njded/news/2003/0514naep.htm>
7. NJ NAEP results http://www.state.nj.us/cgi-bin/governor/njnewsline/view_article.pl?id=1486

C. Adequate Yearly Progress (AYP)

1. Each state required to define by January 2003
 - a. New Jersey's Consolidated State Application Accountability Workbook submitted: January 31, 2003
 - b. NCLB Advisory Council/Subgroups
 - c. LEE Group collaboration
 - d. Peer Review – April 9, 2003
 - e. Approval granted May 8, 2003 – 17th state
 - f. ***New Jersey's Consolidated State Application Accountability Workbook – application to amend filed 4/1/04***
<http://www.nj.gov/njded/grants/nclb/workbook.pdf>
2. All students (95%) must take the assessments, including 95% of students in each subgroup. Analyzed in disaggregated form with subgroups.
4/1/04 Accountability Workbook Revision - For participation rate only, N=40.

3. Students who enter the district after July 1 are not included.
4. AYP must be based on state assessments and at least one other academic indicator.
 - a. Secondary – graduation rates (required) – 2002-2003 Dropout data, then NJSMART – 2.6% or reduction of .5%
 - b. Elementary and middle schools – attendance, 90%
 - c. Analyzed in disaggregated form with subgroups.
 - d. ***4/1/04 Accountability Workbook Revision – Drop out rate until 2004-2005. NJSMART fully implemented in 2005-2006***
5. Progress must be tracked in the aggregate (all students), and separately for students who:
 - a. are economically disadvantaged; (free, reduced price lunch)
 - b. are racial or ethnic subgroups;
 - White, African-American, Hispanic, Asian/Pacific Islander, Native American, Other race;
 - c. have disabilities; and
 - d. are limited English proficient (LEP)

New Jersey State recommended minimum statistically reliable subgroup numbers for assessment purposes – 90 percent confidence interval. N=11 for reporting purposes. Final approval, n=20 for AYP, n=11 for reporting to the public. Special Education and LEP students counted back to their home school. ***4/1/04 Accountability Workbook Revisions – N=40 for participation rate only, N=35 for special education subgroup only. Private out of district placements will be counted in the district assessment only, not the school level analysis.***

6. ***Final regulation - 34 CFR Part 200 – 12/9/03 Setting the cap at 1.0% for students with the most significant cognitive disabilities whose achievement can be measured against alternate achievement standards for determining AYP at the LEA and State levels.***
 - a. ***Could have more than 1.0% of students in a given school take the APA.***
 - b. ***Limit is only as to the number of proficient and advanced proficient scores that can be counted. Those in excess of 1% would be deemed non-participants for purposes of 95% participation.***
 - c. ***States will define students with significant cognitive disabilities.***
 - d. ***LEA may ask the State and the State may ask the Secretary of Education for an exception to exceed the 1.0 % limitation.***
 - e. ***Limitation is on state and school district, not individual school.***
7. NCLB requires that by 2013-14, all students (100%) must attain proficiency levels on state assessments.
 - a. Bar must be raised in equal increments.
 - b. First increase within 2 years and at least every 3 years thereafter – 12 year plan.
 - c. State recommendation – every three years using the Compound Annual Growth Rate (CAGR)

8. N.J. used the spring 2002 administration of the ESPA, GEPA and HSPA results to establish baselines for adequate yearly progress (AYP). 20th Percentile statewide. N.J. will offer the Special Review Assessment (SRA) as an alternative assessment, and the Alternate Proficiency Assessment (APA) for special education students whose disabilities cannot be accommodated within the regular testing program.

a. Starting points for AYP under NCLB

<http://www.nj.gov/njded/grants/nclb/policy/ayp/starting.htm>

Grade 4	LAL 68%, M 53%
Grade 8	LAL 58%, M 39%
Grade 11	LAL 73%, M 55%

b. Future years assessments will be “bundled” within the same grade level percentages.

c. Misclassification bond – 5%

d. Safe Harbor

9. New Jersey Department of Education Resource Documents

<http://www.nj.gov/njded/grants/nclb/policy/ayp/index.html>

a. Title I allocations by LEA

b. Starting points for AYP under NCLB

c. School Improvement Categories and Accountability

d. Title I NCLB Memo to CSAs

10. Accountability measures, proficiency, New Jersey Monitoring –

N.J.A.C. 6A:8-4.4 **Repealed 11/03**

(a)	State assessment/APA	75% school	75% district
(b)	GEPA/APA	75% school	75% district
(c)	HSPA/SRA/APA	85% school	85% district

11. **AYP Results 2003**

a. High School 271/361 schools did not make AYP – 75%

b. Middle School 367/722 schools did not make AYP – 49%

c. Elementary School 428/1365 schools did not make AYP – 31%

d. Subgroups

1. Disabilities – HSPA-1, GEPA-1, ASK4 -5

2. Economically Disadvantaged – HSPA-2, GEPA-2, ASK4-1

3. Limited English Proficient – HSPA-8, GEPA-6, ASK4-7

12. **AYP Results 2004 - ?**

D. Report Cards

1. District results must be publicly reported annually in district and state report cards. Individual school results must be published on the district report cards.

a. New Jersey State Report Card statute. N.J.S.A. 18A:7E-3.

- b. Administrative Code N.J.A.C. 6A:8-4.5
 - c. State Report Card and NCLB Report Card <http://education.state.nj.us/rc/>
 - d. State Data Collection Information Center <http://www.nj.gov/njded/data/>
 - e. USDOE Report Cards Draft Non-Regulatory Guidance
<http://www.ed.gov/programs/titleiparta/reportcardsguidance.doc>
 - f. ***4/1/04 Accountability Workbook Revision – 2004 - NJ will merge NCLB and State Report cards into a single report card. 2/05?***
 - g. ***2003 NCLB Report Card expected before opening of school 9/04***
2. Each report card must include:
- a. student academic achievement on statewide tests disaggregated by subgroup – 11 student minimum;
 - b. a comparison of students at basic, proficient, and advanced levels of academic achievement;
 - c. high school graduation rates;
 - d. the number and names of schools identified for improvement;
 - e. the professional qualifications of teachers; and
 - f. the percentages of students not tested.
- E. School Improvement
1. A school, failing to meet AYP goals, will be held accountable. Parents must be informed of available educational options including school choice and supplemental education services, such as after school tutoring. Chronic failure to meet AYP goals may result in state corrective action and restructuring.
 2. Timetable – Schools in Need of improvement
 - a. No AYP - Year 1
 - b. No AYP – Year 2
 - c. No AYP – Year 3 – Improvement I (Choice)
 - d. No AYP – Year 4 – Improvement II (Supplemental Services)
 - e. No AYP – Year 5 – Corrective Action
 - f. No AYP – Year 6 – Restructure I (Plan Development)
 - g. No AYP – Year 7 – Restructure II (Plan Implementation)
 3. If a school identified for improvement, corrective action or restructuring makes AYP for two consecutive years, it is no longer in need of improvement.
 4. Title I School Improvement Categories
<http://www.nj.gov/njded/data/title1/>
 5. Improvement I - School Choice
 - a. Q&A – <http://www.nj.gov/njded/parents/title1.htm>
 - b. Parental notification. – <http://www.state.nj.us/njded/title1/act/parent.htm>
 - c. Low-income families with children in these schools may request a transfer to a performing school within the district, charter school or choice school, priority to lowest achieving.
http://www.nj.gov/njded/title1/act/choice_options.htm

- d. Agreements with other districts are not required but are “highly encouraged”.
 - e. If no intra-district choice options are available because all schools at that grade level are in need of improvement or because of space limitations, supplemental services should be provided.
 - f. The district must provide transportation to the chosen school within Title I funding limits.
 - g. New Jersey Department of Education Resource Documents
<http://www.nj.gov/njded/grants/nclb/choice/>
 - (1) School choice survey number of transfers requested and granted
 - (2) School Choice and Supplemental Services Survey Summary of Information
 - (3) NCLB Category I Schools in Need of Improvement
 - h. USDOE School Choice Draft Non-Regulatory Guidance – 12/4/2002
<http://www.ed.gov/policy/elsec/guid/schoolchoiceguid.pdf>
6. Improvement II – Supplemental Services
- a. Eligible to students from low-income families, priority to lowest achieving – annual notice to parents.
 - b. Parents select from state developed list of supplemental educational services providers – <http://www.nj.gov/cgi-bin/education/grants/sfp.pl?string=r&maxhits=10000>
 - c. New Jersey Department of Education Resource Documents
<http://www.nj.gov/njded/grants/nclb/policy/>
 See supplemental services
 - d. Title I funding limits.
 - e. USDOE Supplemental Services Draft Non-Regulatory Guidance – 8/22/2003
<http://www.ed.gov/policy/elsec/guid/suppsvcsguid.pdf>
7. Corrective Actions
- a. Replace school staff relevant to failure
 - b. Institute and implement new curriculum
 - c. Significantly decrease management authority
 - d. Appoint outside experts
 - e. Extend school day and/or year
 - f. Restructure internal organization
- 2384 Schools in New Jersey**
214 Schools in 69 Districts looking at corrective action
No High Schools
8. Restructuring
- a. Convert to charter school
 - b. Replace school staff
 - c. Contract with private school management company
 - d. State takeover