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TO: Chief School Administrators
Charter School Leaders

FROM: Christopher D. Cerf
Commissioner

A handwritten signature in black ink, appearing to read "Ch D Cerf".

SUBJECT: Compliance

One of our major priorities over the past three years has been to reduce the amount of time that districts spend on compliance activities that are not connected to what matters most in schools – supporting student learning. This has not been an easy task, as we are collectively governed by a complex system of federal requirements, state statutes, and regulations. However, we have worked hard over the past three years to eliminate as many of those requirements as were in our control, while protecting against the increase of such requirements from the outside whenever possible. In this memo, I outline some of the major steps we have taken to reduce the compliance burden on districts, aware that there is still much more to do.

In 2012, the Education Transformation Task Force reviewed every line of administrative code and recommended 428 regulatory and 46 statutory changes to ease the compliance burden on districts. In its report, the Task Force wrote:

The organizing philosophy of the work of the “new Department” during the past year is the forging of an effective partnership between two interconnected values: empowerment and accountability. Specifically, the Department must hold schools accountable for student learning at the highest levels but liberate them from excessive interference so they can craft their own pathways to success – reserving prescriptive interventions for schools whose students are consistently failing to meet ambitious college- and career-ready standards.

The Task Force found a number of problems with a system that relies too heavily on mandates and that equates compliance with success. Specifically, the Task Force found that such a culture “frustrates good people trying to help students learn . . . increases costs and, on occasion, even erects obstacles to student achievement.”

The Department has organized itself around the belief that we must prioritize four building blocks of success, including: setting high academic standards of what every student should know, defining and measuring success, developing the contours of evaluation systems and other ways to ensure New Jersey has the best

educators, and promoting and scaling innovation. By focusing on these fundamental responsibilities of the state, and in some cases outlining specific requirements for all schools, we believe that we will help all schools continue to improve.

Beyond those responsibilities, however, when schools are performing at high levels, the Department believes that it should empower school leaders to innovate and be successful, and reduce the “red tape” that acts as a barrier to success. When schools are not performing at high levels, the Department must be much more prescriptive and, in the most extreme circumstance, implement advanced interventions to radically transform schools.

Over the past year, the Department has taken a number of steps to reduce the compliance burden on districts, including systematically proposing regulatory changes to the State Board of Education. Because that process is a lengthy one, in some cases taking up to a year to adopt changes, we so far have implemented changes in 9 chapters of administrative code, with the rest either in process or ready to proceed.

This memo focuses on six areas where we have worked to reduce compliance and provide flexibility to districts, either through regulation, by seeking changes in federal requirements, or changing processes within our control. The memo is structured in six areas:

1. Reducing federal requirements through our ESEA flexibility request
2. Streamlining QSAC
3. Removing or streamlining data collections
4. Reducing time spent on compliance activities
5. Improving customer service
6. Increasing flexibility

1. Reducing federal requirements through our ESEA flexibility request

No Child Left Behind (NCLB), the current iteration of the Elementary and Secondary Education Act (ESEA), remains an important piece of legislation because it put a renewed focus on student achievement and accountability in K-12 education and highlighted the needs of typically underperforming student populations. However, the law suffered from some significant flaws, including its failure to give credit for progress and its one-size-fits-all approach to labeling schools as failing, requiring prescriptive remedies for such a label.

In 2011, more than 50% of schools in New Jersey did not make Adequately Yearly Progress (AYP) for one or more years. NCLB required a series of interventions for each year that a school failed to make AYP including, among others, setting aside 20% of Title I dollars to provide Supplemental Educational Services (SES) and/or intradistrict choice, developing detailed improvement plans, and, in some cases, reconfiguring entire schools. In addition, these schools were required to undergo week-long CAPA site visits and periodic CAPA benchmarking meetings.

Through the state’s ESEA flexibility, secured in February 2012, we created a new accountability system that focused on the lowest-performing 15% of schools in the state. While we continue to report on the progress of all schools in the state, including subgroups, we do not require specific interventions for 85% of schools, instead leaving it to local leaders to create a path to improvement that makes sense in the local context. This change has freed more than 600 schools from a cascading set of interventions required by the federal government and empowered them to create their own path to improvement.

2. Streamlining QSAC

QSAC, the Quality Single Accountability Continuum, was created by statute and requires a triennial review of all districts based on five areas. Unfortunately, QSAC has become a burdensome paper pushing exercise for districts, especially higher-performing districts, that focuses on the inputs rather than the outputs of schools and distracts district leaders from the hard work of improving student learning.

While the underlying statute remains, we have streamlined the number of indicators that are reviewed during these QSAC reviews by 85%. Instead of the 345 indicators that our staff reviewed in 2011, today we have decreased that to only 52 indicators, moving a number of requirements to a statement of assurance. While this is an important first step, it is only the beginning of our work. We are currently exploring additional modifications to rationalize the QSAC review and provide a differentiated process for high-performing districts.

3. Removing or streamlining data collections

Historically, every time the federal or state government mandated a new activity, the state Department of Education would develop a new data collection to track compliance. Through a systematic review of all of these data collections, and by exploring the functionality within our longitudinal database, NJSMART, we have been able to delete or streamline duplicative data collections.

We have sunsetted more than 10 unique data collections and instead are using information already submitted through NJSMART for reporting requirements. Those sunsetted collections include:

- Migrant Education data collection
- Homeless Education data collection
- Special Education data collection
- Limited English Proficient Student data collection
- Title III Immigrant Student data collection
- Vocational Education Student data collection for secondary schools
- Certified Staff Report for Private Schools
- NJASK PreID Labels
- School Report Card data collection
- Access for ELLs (English Language Learners) data collection
- Certificated and non-certificated staff collections

Secondly, we have moved a number of DOS based data collections online and, where possible, pre-populated these databases with information from NJSMART or previous years to decrease the amount of time spent submitting these reports. We have:

- Moved the ASSA data collection to a web-based tool, pre-populated with NJSMART data
- Upgraded budget and Audsum data collections to web-enabled systems
- Eased the County District School Code System collection by pre-populating the collection with the previous year's data
- Moved Homeless Student Tuition Reimbursement to an electronic submission
- Moved the State Facilities Education Act data submission to an electronic submission

Third, we streamlined or combined applications and reports where possible. This includes streamlining the Perkins FY14 application from nearly 20 pages to 4 pages. In addition, we have reduced two reports for the non Public Completion Report (NPCR) into one comprehensive report, and changed the refund system from a paper check to inclusion in state aid payments to speed up refunds.

4. Reducing time spent on compliance activities

Beyond data reporting requirements, we have also reviewed the Department's monitoring of federal and state programs and dollars to find efficiencies or to make them less burdensome on districts. While the requirements to monitor these activities are not within our power to eliminate completely, we have identified areas to meet that obligation while reducing the time required of districts. Some examples are below:

- Consolidated Monitoring – instituted a Consolidated Monitoring process to oversee the implementation of all federal funding streams through one review, rather than individual reviews and reports from disparate state offices.
- Pre-k programs – streamlined the self-assessment and validation process, and moved monitoring from every year to every three years. Additionally, conducted external evaluations (NIEER) every other year instead of annually.
- School aides – ended the requirement that the ECS approve hiring of school aides and job descriptions for paraprofessionals, and instead require a statement of assurance.
- SIG schools – streamlined the bi-annual on-site visit monitoring protocol by 50% and consolidated the School Improvement Plan and Activity Plan Report into one report.
- Special Education – streamlined the monitoring of Special Education programs to focus on those areas most directly linked to student outcomes.
- Career and technical education – changed required CTE Safety and Health plans from every 2 years to every 5 years, and limited reporting to programs in hazardous occupations.
- 21st Century Community Learning Centers – cut in half the number of reports that grantees need to submit in years 2 through 5 of the grant.
- Summer school – removed requirement that the ECS approve summer school.
- Professional development – streamlined the school and district professional development planning process by removing required reviews by county boards and eliminating the requirement for school and district level PD committees.
- Induction – streamlined the mentoring/induction process by eliminating county level reviews.

5. Improving customer service

In addition to decreasing unnecessary time spent on compliance, the Department has worked hard to improve its customer service focus. This has been a Department-wide initiative, and we have already identified a number of areas where we have improved service to districts and educators.

- Educator certification – decreased call center wait time from an average of 21 minutes to 35 seconds over 18 months. Additionally, created an online transcript evaluation process, eliminating the paper mail process.
- Teacher loan forgiveness – decreased response time from approximately 2 weeks to 2 days, and correction time from 1 year to 1 week.

- Criminal history – improved effectiveness of criminal history reviews through an automated system that reduces or eliminates phone calls, paper transactions, and wait time.
- Common Core support – launched a free website (njcore.org) to allow educators to download and share instructional resources; provided more than 400 trainings, reaching more than 15,000 educators in the last months alone; and developed an optional model curriculum for all educators.
- Educator evaluation support – launched dozens of guidance documents and optional tools for educators and districts, in addition to trainings across the state reaching tens of thousands of educators.
- Special Education – more than doubled the staff dedicated to providing technical assistance for students with disabilities.
- Violence and Vandalism; and Harassment, Intimidation, and Bullying (HIB) – developed online training, webinars, interactive user manuals, and FAQ for the HIB investigations and reporting systems and the Electronic Violence and Vandalism Reporting System.

6. Increasing flexibility

A number of changes recommended by the Education Transformation Task Force were focused on removing regulations to increase the flexibility that districts have in developing programs or allocating resources. While there is much more to come in this area, we have already adopted a number of changes through the State Board of Education.

Among others, this has included enabling electronic record storage, rather than requiring districts to keep hard copies of student records for years after students graduate; allowing districts to use private vendors for substitute teachers; enabling Superintendents to request emergent hires for substitutes, rather than only the Board; and allowing holders of instructional CEs and CEAs to serve as substitutes without having to purchase a substitute credential.

Striking the right balance between autonomy and accountability is hard work, and is an ongoing process of refinement and adjustment. We are committed to continuing to work towards this balance.

In order to build on the list above, we currently have several initiatives underway. I have asked my Chief of Staff to meet with Superintendents across the state to identify the most significant burdens that are placed on districts by the state or federal government, and we are going to try to address those in the coming year. This group has already visited five counties, with more on the way. We also have formed a committee to look at the QSAC process and make additional recommendations to rationalize the process.

I encourage you to communicate with me directly if you have any additional recommendations, and we will look into each one. While I am not able to eliminate any requirements in statute or from the federal government, I will commit to exploring each issue and looking for solutions. I look forward to continuing this work together.

CDC/JP/gm

c: Members, State Board of Education
 Senior Staff
 Executive County Superintendents
 Executive Directors for Regional Achievement Centers
 Executive County School Business Administrators
 NJ LEE Group
 Garden State Coalition of Schools