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March 31, 2005

Asst. Commissioner Isaac R. Bryant
Asst. Commissioner Gordon MacInnes
New Jersey Department of Education
P.O. Box 500
Trenton, NJ 08625-0500

Re: Revised CAPA Process

Dear Asst. Commissioners Bryant and MacInnes:

We have reviewed the "core" indicators for the revised CAPA (Collaborative Assessment for Planning and Achievement) process, as well as the draft document outlining CAPA objectives. Based on our review, we have a number of serious concerns regarding the protocol and implementation of the CAPA process. With this letter, we wish to outline our concerns and to request a meeting with you to discuss these issues.

First, respecting the indicators, it is clear that the protocol fails to encompass several key areas which are to be addressed, pursuant to Abbott X and the regulations, as part of the CAPA Team's inquiry. (NCLB also requires that the school support teams "review and analyze all facets of the school's operation"). The excluded issue areas are: (1) the adequacy of supplemental services to meet student needs (primarily as they relate to social and health services); (2) implementation and effectiveness of WSR model implementation; and (3) the effectiveness of the Department of Education (DOE) in its support of the school and in its role in improving student achievement. It is our position that these issue areas are central requisites of the CAPA intervention process, and our concern that, if they are not immediately restored to the protocol, there will be no guarantee that the Team's inquiry and report will in fact address these areas.

A second point of concern relates to Abbott and NCLB requirements for public notification and parental involvement in the intervention process. The Abbott regulations specify that, once the CAPA reports are finalized, the CAPA Team is to develop, together with the SLC (School Leadership Council) and CSA (Chief School Administrator), a written Improvement Agreement which shall be presented to ELC (Education Law Center) and the community, as well as to the school and the SLC. Pursuant to this Agreement, the SLC must modify the school's operational plan and budget. NCLB further provides that the school support team is to collaborate with parents, as well as the school and district administration, in the design, implementation and monitoring of school improvement plans, and, more generally, that DOE must publish and disseminate to parents and the public (via the Internet, the media, and public agencies) any corrective action the state takes pursuant to the law.

In spite of the foregoing, both the protocol and the draft objectives fail to address Abbott and NCLB requirements in this respect. Further, in practice, it appears that these requirements have not met with compliance. For example, it was our understanding that DOE had planned to post on its website a schedule of past and upcoming CAPA visits to inform community stakeholders about the status of the process as well as the reports and revised plans that result from the Teams' visits. However, the DOE has as yet failed to disseminate to the public (or to ELC, for that matter) information related to the status of the Fall reports and resulting improvement agreements and plans. Nor, to our knowledge, have parents been widely involved in the design, implementation, or monitoring of these plans in accordance with the law.

Our third area of concern respects the implementation of CAPA – both the status of the Fall reviews and the Spring schedule for visits. As outlined above, neither ELC nor community stakeholders have been apprised of what appears to be the delayed progress of the process in terms of the completion of final reports, improvement agreements, school improvement plans, and modifications to three-year plans and budgets. What is clear, however, is that, at this late stage in the school year, it is unlikely that the CAPA Teams' findings and recommendations will translate into concrete plans for educational improvement in time to have an impact on teaching and learning this year.

Respecting the Spring schedule, the foregoing is even more certain to be the case: although we expect that the streamlined review process will correct for the Fall delays between visits and the issuance of final reports, the timing of the Teams' visits (April – May) insures that the opportunity for educational improvement based on the reports will have to be deferred until the following year.

An additional matter of concern related to the Spring visits is the DOE's apparent prioritization of NCLB "corrective action" schools over Abbott "low performing schools" in NCLB "improvement" or no improvement status – a decision which has meant, in practice, that at least one "low performing" school will not be visited at all this year, as required under Abbott X and the regulations.

It is our position that the foregoing issues strike at the heart of the CAPA process and deeply affect its potential for being an effective and efficient tool for achieving educational improvement. We are prepared to meet with you to discuss our concerns, and we look forward to your response.

Sincerely,

Koren L. Bell & Elizabeth Athos
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