



Education Law Center

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New Jersey State Board of Education
River View Executive Plaza
Building 100, P.O. Box 500
Trenton, NJ 08625-0500

Via Facsimile No. 609-633-0267

Re: Special Review Assessment (SRA)

Dear Honorable Members of the State Board:

Education Law Center (ELC) submits the following comments on the Commissioner's proposal for elimination of the SRA.

ELC is a legal services program that provides legal representation and other assistance to low income students and students with disabilities to ensure access to an adequate and appropriate public education under state and federal laws. ELC serves as counsel to the class of urban school children in the Abbott v. Burke case, and provides legal services to students in special education, student discipline, school residency and other matters. As one of nation's premier advocates for education rights, ELC has substantial expertise in these areas.

ELC urges the State Board to reject the Commissioner's proposal for elimination of the SRA. Instead, ELC urges the State Board to direct the Commissioner to develop a proposal for strengthening or replacing the SRA with an improved alternative assessment process.

Currently, at least 26 other states have multiple measures for graduation, rather than one high stakes exit exam. See Darling-Hammond et al., The School Redesign Network at Stanford University, Multiple Measures Approaches to High School Graduation (2005), available at <http://www.timeoutfromtesting.org/articles/MultipleMeasures.pdf>. Indeed, the No Child

Left Behind Act (NCLB) requires states to utilize “multiple up-to-date measures” of student achievement. Sec. 1111(b)(3)(C)(vi).

The Commissioner’s proposal to eliminate the SRA would require all students -- except a limited number who qualify for an as yet to be established appeals process -- to pass the New Jersey High School Proficiency Assessment (HSPA) in order to attain a high school diploma. There is little doubt that New Jersey’s position as the state with the highest graduation rates in the nation, see Haney, New York State Senate Hearing Testimony (9/23/2003), available at http://www.timeoutfromtesting.org/datacharts/HS_GraduationRates_State.pdf, will shift dramatically if the SRA is simply abandoned. In the absence of alternatives, eliminating the SRA will push the many students who now graduate into the streets without diplomas towards a grim future of under and unemployment, welfare dependency and crime. ELC anticipates that this negative consequence will be felt most strongly in our State’s high poverty urban, inner suburban and rural districts, where most of New Jersey’s low income children and children of color reside. Given the stakes involved, it is imperative that the State Board make every effort to improve or replace the SRA, rather than simply eliminate it.

In addition, in response to the Supreme Court’s order in Abbott X (2003), the Department has recently launched a critical secondary education initiative designed to dramatically improve the opportunity for middle and high school students in Abbott districts to meet the Core Curriculum Content Standards. See <http://www.nj.gov/njded/abbotts/sei>. That initiative should be supported and evaluated before drastic changes in the state’s assessment system are made. Instead, the Department should be directed to conduct a systematic pilot project to assess use of the SRA or an alternative (for example, based on current performance assessment efforts in NJ and other states) in the four phase one districts that will begin implementing the secondary initiative this fall. The Department’s secondary education advisory group, built on the membership of the Secondary Education Work Group established pursuant to Abbott X, should be used to assist the Department in designing an appropriate pilot.

Moreover, to assist in the development of an improved SRA, and to lead school and district improvement under NCLB and Abbott, it is essential that the State implement a comprehensive, statewide student-level database. The Department began the early stages of developing such a database two years ago (“NJ Smart”), but for unexplained reasons, recently abandoned the effort. Consequently, the Department lacks the capacity it needs to evaluate middle and high school performance, and graduation rates, among students overall, and subgroups of students, and identify obstacles to passing the HSPA or more rigorous alternatives. It is essential that the State Board take the lead, with the Commissioner, Department, ELC and other interested stakeholders, in ensuring that work on the database is restarted and completed as quickly as possible.

Finally, it is also essential that the Department undertake “a comprehensive formal evaluation” of the Abbott programs and remedies, first ordered by the Supreme

Court in 1998. In the 2003 Abbott X order, the Court reaffirmed this mandate and directed the Commissioner to launch the evaluation by September 2004. The Department's Abbott Division issued a request for quotation for the evaluation in March 2005, but, for unexplained reasons, suspended the RFQ indefinitely in June. See "NJDOE Suspends Bid for Abbott Evaluation," July 14, 2005, http://www.edlawcenter.org/ELCPublic/elcnews_050714_EvaluationSuspended.htm. Without an evaluation of the Abbott programs, the Department simply lacks the capacity to identify obstacles to improving student achievement in our urban high schools, and to then modify and adjust the Abbott program remedies in order to address those obstacles. As part of an effort to improve or replace the SRA, the State Board must take the lead in ensuring the Department promptly launches the Abbott evaluation so the evaluation results can inform that effort.

Thank you for your consideration of these comments.

Very truly yours,

Elizabeth Athos, Esq.