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DEPARTMENT OF EDUCATION

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[Date]

Hayley B. Sanon
Principal Deputy Assistant Secretary
and Active Assistant Secretary
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Principal Deputy Assistant Secretary Sanon:

Please accept this letter as a formal request for extension of the [2021 waiver](#) that was granted to the New Jersey Department of Education (NJDOE) by the United States Department of Education from specific statutory and regulatory requirements established under the *Elementary and Secondary Education Act (ESEA)* as amended by the *Every Student Succeeds Act (ESSA)*. The request is to extend the waiver for four (4) years; starting in the 2025-2026 school year and ending the 2028-2029 school year.

This waiver extension request, if granted, would continue to allow for New Jersey 7th and 8th graders enrolled in an advanced-mathematics course (Algebra I, Algebra II, or Geometry) to take the end-of-course assessment commensurate with their course of study instead of the grade-specific mathematics assessment.

The NJDOE is committed to empowering New Jersey schools and districts to promote the growth of all students. Toward that commitment, the NJDOE encourages schools and districts to create course pathways allowing students to reach their highest potential regardless of grade level. One way schools and districts do this is to allow middle school students to take advanced-mathematics courses in lieu of grade-level mathematics courses and to take the corresponding assessment associated with the course.

Since the initial approval of the 2017 waiver, this practice has allowed 7th and 8th grade middle school students enrolled in advanced-mathematics courses to take the course-aligned end-of-course assessment in lieu of the grade-level assessment. This policy promoted the growth of all students by empowering educators, parents, and students to select the mathematics course most appropriate for each student and removed barriers preventing students from progressing to more advanced mathematics courses in high school.

Section 1111(b)(2) of ESEA already provides an exception for 8th grade students who are enrolled in advanced-mathematics courses to take the end-of-course assessment aligned to their coursework, in lieu of the grade-level

mathematics assessment¹. This request, if granted, would extend the flexibility New Jersey received in 2017 and 2021 to allow grade 7 middle school students, not just 8th grade students, to take advanced mathematics course(s). In these ways, the waiver contributed to improved student achievement, and extending it is in the public interest. Parents and educators should continue to have the option to determine whether a middle school student should be enrolled in an advanced-mathematics course, and the NJDOE's testing policies should support and be aligned to that local decision.

Authority

Section 8401(a)(3) of the Elementary and Secondary Education Act (ESEA) as amended by ESSA allows the Secretary of the U.S. Department of Education (Secretary) to waive, with the exceptions outlined in Section 8401(c), "any statutory or regulatory requirement of this Act for which a waiver request is submitted." Section 8401(a)(1) of ESEA as amended by ESSA establishes that a state educational agency (SEA) may submit such a waiver request.

Section 8401(d)(2) specifies that the Secretary may extend a waiver if the State demonstrates that "the waiver has been effective in enabling the State or affected recipient to carry out the activities for which the waiver was requested and the waiver has contributed to improved student achievement," and "the extension is in the public interest."

Waiver Request Components

Identify the federal programs affected by this waiver request.

This waiver extension request will affect Title I, Improving the Academic Achievement of the Disadvantaged, Part A, Improving the Basic Programs Operated by Local Educational Agencies, Subpart I, Basic Program Requirements. Specifically, this waiver will affect Sec. 1111(d)(2)(A).

Describe which federal statutory or regulatory requirements are to be waived

The NJDOE is requesting an extension of the waiver, in part, from the following requirements:

- **Section 1111(b)(2)(B)(i)(I)** of *ESEA*, which requires that "the assessments under subparagraph (A) shall, except as provided in subparagraph (D), be the same academic assessments used to measure the achievement of all public elementary and secondary school students in the state;" and the corresponding regulation;
- **34 C.F.R. 200.2(b)(1)(i)**, which requires that "the assessment required under this section must, except as provided in sections 200.3², 200.5(b)³, 200.6(c)⁴ and section 1204⁵ of the *ESEA* as amended by the *ESSA*, be the same assessment used to measure the achievement of all students."

¹ ESEA as amended by ESSA 1111(b)(2)(C).

² This exception allows an SEA to allow local educational agencies (LEAs) to administer a state-approved, locally- selected, nationally recognized high school assessment, in lieu of a statewide academic assessment.

³ This exception allows SEAs, under certain conditions, to administer an end-of-course mathematics assessment in lieu of a grade-level mathematics assessment for 8th grade students.

⁴ This exception allows SEAs to administer an alternative assessment aligned to alternative academic achievement standards to students with significant cognitive disabilities.

⁵ This exception allows for SEAs that have been so authorized by the Secretary to administer "innovative assessments" in lieu of statewide academic assessments to some students in the state.

Specifically, the NJDOE requests an extension of the waiver from the requirement to test all students using the same grade-specific mathematics assessment for students in grades 7 and 8 who are enrolled in the following advanced-level mathematics courses: Algebra I, Algebra II, and Geometry. In lieu of taking their corresponding grade-level mathematics assessment, students enrolled in these advanced-level mathematics courses will take end-of-course assessments aligned to the courses in which they are enrolled. The NJDOE would apply the rules established at section 1111(b)(2)(C)(i) through (iii) of *the ESEA* and 34 C.F.R. 200.5(b)(1) through (3) to any student who does not take the mathematics assessment typically administered in the grade in which the student is enrolled. Specifically, if a student does not take the mathematics assessment typically administered in the grade in which he or she is enrolled:

- The student will take the end-of-course mathematics assessment the state administers to high school students to comply with assessment requirements established at section 1111(b)(2)(B)(v)(I)(bb) of *ESEA*;
- The student's performance and participation on the high school assessment will be used in the year in which the student takes the assessment for the purposes of measuring academic achievement and participation as it pertains to the school-based accountability system required under *ESEA*; and
- In high school, the student will take a more advanced, state-administered mathematics assessment or nationally recognized high school mathematics assessment that meets the requirements in 34 CFR 200.3(d) and the student's performance on and participation in that assessment will be used for the purposes of measuring academic achievement and participation as it pertains to the school-based accountability system required under *ESEA*.

[Describe how the waiving of the requirements indicated above will advance student academic achievement.](#)

Extending the NJDOE's waiver of the above requirements in the manner requested in this letter would continue to advance student academic achievement in several ways.

First, extending the waiver would continue to allow students to take assessments aligned to their coursework. Alternatively, requiring a student capable of excelling in an advanced mathematics course (e.g., Algebra I) to take a general grade-level (e.g., 7th grade) mathematics assessment could discourage a school from enrolling such a student in an advanced-level mathematics course. In this case, the student would be required to take an assessment that is not aligned to his or her coursework or, worse, take two assessments: Algebra I, which would provide the teacher and student information on the student's learning for that year, and the misaligned 7th grade mathematics assessment, as required by law. By allowing the student to take just an end-of-course assessment, schools and educators are encouraged to enroll the student in the mathematics course most appropriate to promote the student's academic achievement.

The NJDOE has evidence that allowing students enrolled in advanced-level mathematics courses to take the corresponding end-of-course assessments in lieu of grade-level mathematics assessments continues to lead to high academic achievement. Under its approved waiver, the NJDOE allowed 7th and 8th grade students enrolled in advanced-level mathematics courses to take end-of-course assessments aligned to course content in lieu of grade-level assessments. The NJDOE's review of 2015-2016 end-of-course assessment data (from the former PARCC assessments) for the 2017 waiver request had indicated that a growing number of middle school students excel at advanced-level mathematics coursework and pass advanced-level mathematics assessments.

Additional analysis of more recent assessment data suggests that the 2021 waiver extension accelerated this trend. As demonstrated in Figure I, analysis of data from the 2022-2023 and 2023-2024 administrations of the NJSLA shows that a greater proportion of students who enroll in Algebra I (the advanced mathematics assessment course taken most frequently by middle school students) in 7th grade met and/or exceeded proficiency on the Algebra I assessment as compared to students who enroll in Algebra I in 8th grade for whom ESEA already permits taking the assessment aligned with their coursework. Since so many New Jersey middle school students have been successful in advanced-level mathematics coursework, it is in the best interest of students to administer end-of-course mathematics assessments that align with students' coursework rather than the grade-level exam. Extending this waiver will also afford 7th grade students greater access to advanced mathematics coursework that improves readiness for high school, college, and career.

Requiring middle school students who are enrolled in advanced-mathematics courses to take grade-level assessments, which would be misaligned to the students' mathematics coursework, could have adverse impacts on students. If students are required to take misaligned assessments, schools would not be able to properly assess student learning. This would limit the ability of teachers and parents to understand and address any gaps in learning. Alternatively, without the waiver, students could be asked to take both the exam that matches their coursework and the grade-level exam. This practice would take away valuable classroom time from the student and provides no valuable information to the student, student's family, educator, or the state, and LEAs may not offer these opportunities for students to enroll in higher-level math coursework if students cannot take the test until later grades.

FIGURE 1

2023 Statewide Proficiency Rates

	7th Grade		8th Grade	
	# Tested	% Proficient	# Tested	% Proficient
Algebra I	4908	89.4	29273	66
Algebra II	20	85	792	72.6
Geometry	125	84	4754	80.7

2024 Statewide Proficiency Rates

	7th Grade		8th Grade	
	# Tested	% Proficient	# Tested	% Proficient
Algebra I	5181	91.8	28654	73.5
Algebra II	24	75	602	85.7
Geometry	110	95.5	4782	78.8

Describe the methods that will be used to monitor and regularly evaluate the effectiveness of the implementation plan of this waiver request.

The NJDOE will continue, for the purpose of tracking opportunity and achievement gaps among subgroups, to annually evaluate the percentage of students in middle school grades enrolled in advanced-level mathematics courses and who take end-of-course mathematics assessments in lieu of grade-level mathematics assessments. The NJDOE will also continually evaluate such gaps and provide guidance and technical assistance, as appropriate, to help LEAs close any such gaps.

In addition, the NJDOE will continue to ensure that the performance of all students on annual statewide assessments is included in the calculations of a school's "academic achievement" for the purposes of the school-based accountability system required under *ESEA*. The NJDOE will also continue to, consistent with its *ESSA* state implementation plan and in accordance with section 1111(h)(1)(C)(ii) of *ESEA*, report the assessment results of all students.

Describe how schools will continue to provide assistance to the same populations served by programs for which waivers are requested.

The purpose of Title I of *ESEA* is "to provide all children significant opportunity to receive a fair, equitable, and high-quality education and to close educational achievement gaps."⁶ Providing additional opportunities for 7th and 8th graders to enroll and achieve in advanced-level mathematics coursework is consistent with this purpose.

As described in its approved *ESSA* state plan⁷, the NJDOE has had success in encouraging greater numbers of middle school students to take advanced-mathematics courses during the past several years, but economically disadvantaged students continue to be underrepresented in advanced mathematics-courses in middle school across the state. In 2023-2024, 38.5% of 7th and 8th graders were economically disadvantaged, but only 20.4% of 7th and 8th graders taking advanced mathematics courses were economically disadvantaged. The NJDOE is committed to ensuring access to rigorous coursework is available to all students throughout middle school.

The NJDOE will encourage LEAs to offer greater opportunities for middle school students to enroll, and demonstrate academic achievement, in advanced-level mathematics coursework, and will provide assistance to these students as follows:

1. Design, implement, and evaluate professional learning opportunities for LEAs prioritizing enrollment for educators in low-performing schools⁸ These opportunities will focus on building understanding of New Jersey's academic standards for mathematics in grades 3 to 6 to support a more focused approach to teaching prerequisites to Algebra 1;
2. Develop multiple model course pathways (accelerated progressions of learning) for middle schools that allow grade 8 students to complete Algebra 1 and provide pathway exemplars and professional learning opportunities to support the implementation of each model course pathway;

⁶ *ESEA* as amended by *ESSA* section 1001.

⁷ <https://www.nj.gov/education/essanj/plan.shtml>

⁸ <https://www.nj.gov/education/standards/math/>

3. Create guidance on the length and use of dedicated instructional time in mathematics, and the integration of an enrichment block that leverages an asset-based approach to addressing the differentiated needs of students in low-performing schools;
4. Provide guidance and support elementary mathematics specialists and middle school math instructional coaches, including evidence-based policy guidance supporting their efficacy. This may include guidance that supports their effective onboarding and resources to support their facilitation of sustained job-embedded coaching. It may also include technical assistance with prioritized enrollment for educators in low-performing schools; and,
5. Develop guidance for mathematics leaders on the integration of high-quality instructional materials, local formative assessment, and after-school or summer math programs that provide targeted academic support, with particular attention to the needs of low-performing schools.

If the waiver relates to provisions of subsections (b) or (h) of section 1111 of ESEA-ESSA, describe how the SEA requesting the waiver will maintain or improve transparency in reporting to parents and the public on student achievement and school performance, including the achievement of the subgroups of students identified in section 1111(b)(2)(B)(xi) of ESEA-ESSA.

The NJDOE will continue to, consistent with its ESSA state implementation plan and in accordance with section 1111(h)(1)(C)(ii) of ESEA, report the assessment results of all students.

Describe how the public was informed of this waiver request and provided opportunity to provide public comment on the request.

The waiver extension request will be disseminated via broadcast and will be posted on the NJDOE website for the public.

Please email John.Boczany@doe.nj.gov if you have any questions or need additional information.

Sincerely,

/s/ Kevin Dehmer

Kevin Dehmer
Commissioner