

Proposed Amendments at N.J.A.C. 6A:8, Standards and Assessments

The following is the accessible version of the proposed amendments at N.J.A.C. 6A:8. The adoption level document includes three sections – [an explanation of the adoption level rulemaking](#), [comment and response form](#), and [text of the proposed amendments](#).



State of New Jersey
DEPARTMENT OF EDUCATION
PO Box 500
TRENTON, NJ 08625-0500

**Adoption Level
September 8, 2021**

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

ANGELICA ALLEN-McMILLAN, Ed.D.
Acting Commissioner

To: Members, State Board of Education

From: Angelica Allen-McMillan, Ed.D., Acting Commissioner

Subject: N.J.A.C. 6A:8-1.3, 3.1, 4.1, 4.3, 5.1, and 5.2

Reason For Action: **Adoption of Proposed Amendments with Substantial Changes**

Authority: N.J.S.A. 18A:7A-10 through 14, 18A:7C-1 et seq., 18A:7E-2 through 5, 18A:35-4.2, 18A:35-4.7, and 18A:59-5

Sunset Date: May 3, 2025

Attached are the adoption materials related to the proposed amendments to N.J.A.C. 6A:8 regarding the Statewide assessment system and State high school graduation assessment requirements.

The Department of Education (Department) is proposing to adopt the amendments presented in the two notices of proposed substantial changes along with the original amendments proposed in 2018 that were not changed.

The original proposed amendments were approved by the State Board of Education at proposal level on October 3, 2018, and published in the New Jersey Register on November 5, 2018, at 50 N.J.R. 2189(a)). The Department proposed at that time to maintain State assessments in grades three through 10, including the State assessments required to graduate high school (Algebra I and English language arts (ELA) in grade 10). Under the rulemaking, students taking the State ELA 10 and Algebra I assessments who did not achieve a passing score on one or both assessments would have been eligible to access the menu of substitute competency assessments and the portfolio appeals process. The proposed amendments would have ensured that the menu of substitute competency assessments available to the classes of 2019 and 2020 remained an option for students in the classes of 2021 through 2025.

On October 21, 2019, the State Board approved for publication in the New Jersey Register the notice of proposed substantial changes, which included a number of changes to the proposed amendments. No part of the original rulemaking was adopted. The October 2019 State Board action approved the Department's revised proposal for amendments to certain rules in N.J.A.C. 6A:8-1.3, 4.1, 5.1, and 5.2 in response to an amended consent order entered into by the Department to resolve a legal challenge to amendments adopted in 2016 related to the regulations at N.J.A.C. 6A:8 that govern graduation assessments required by State law (N.J.S.A.

18A:7C-1, 2, 3, 4, 6, and 6.1). The notice of substantial changes, which included a summary of only the comments related to the proposed substantial changes and the agency's responses, was published in the December 2, 2019, New Jersey Register (51 N.J.R. 1725(a)) and the comment period ended January 31, 2020. The notice of proposed substantial changes can be found [online](#).

To provide greater clarity regarding the proposed graduation assessment requirements for the classes of 2023, 2024, and 2025, the Department provided time for public input on additional changes upon adoption. The second notice of substantial changes upon adoption, which contained new clarifying amendments to five regulations, was published in the June 7, 2021, New Jersey Register (53 N.J.R. 982(a)) and the comment period ended August 6, 2021. The second notice of proposed substantial changes can be found [online](#).

As a result of the ongoing COVID-19 pandemic, Governor Philip D. Murphy signed Executive Order 127 on April 14, 2020, to extend all rulemaking deadlines until 90 days after the end of the State of Emergency that was declared by Executive Order No. 103 and subsequent Executive Orders extending the COVID-19 State of Emergency. P.L. 2021, c. 103 extended the original notice of proposal's expiration date to January 1, 2022.

[Executive Order 117](#), signed April 7, 2020, by Governor Murphy, waived the graduation assessment requirement for any 12th grade student who was expected to graduate in the class of 2020 but, as of March 18, 2020, had not yet met the graduation assessment requirement, including the portfolio appeals process. Students in the class of 2020 who had not yet met the assessment requirement as of March 18, 2020, were still required to meet all the other State and local graduation requirements, including, but not limited to, credit, curriculum, and attendance requirements. On January 11, 2021, Governor Murphy signed [Executive Order 214](#), which waived the same provisions for any 12th grade student who was expected to graduate in the class of 2021.

The attached adoption level comment-response form contains the following four sets of comments: (1) comments received during the initial comment period giving rise to substantial changes in the proposal upon adoption (The comments were already presented to the State Board and published in the New Jersey Register on November 5, 2018.); (2) comments received during the initial comment period that did not give rise to changes in the rule proposal; (3) comments received in response to the notice of proposed substantial changes upon adoption when it was published in the New Jersey Register on December 2, 2019; and (4) comments received in response to the second notice of proposed substantial changes upon adoption when it was published in the New Jersey Register on June 7, 2021. Following the comment-response form is the rule text as currently proposed for the State Board's adoption.

**State Board of Education
Administrative Code
Comment/Response Form**

This comment and response form contains comments since the October 3, 2018, meeting of the State Board of Education when the original proposed amendments were considered at proposal level and during the 60-day comment period. Comments one through four below are the already-published comments received during the initial comment period giving rise to substantial changes in the proposal upon adoption. Comments five through 97 were received during the initial comment period that did not give rise to changes in the rule proposal.

The comment and response form also contains comments received on two notices of proposed substantial changes upon adoption. Comments 98 through 230 were received in response to the notice of proposed substantial changes upon adoption that was published in the New Jersey Register on December 2, 2019. Comments 231 to 272 were received in response to the second notice of proposed substantial changes upon adoption that was published in the New Jersey Register on June 7, 2021.

Topic:	Standards and Assessment	Meeting Date:	September 8, 2021
Code Citation:	N.J.A.C. 6A:8	Level:	Adoption
Division:	Academics and Performance	Completed by:	Office of Assessments

Summary of Comments and Agency Responses

The following is a summary of the comments received from State Board members and the public and the Department's responses. Each commenter is identified at the end of the comment by a letter or number that corresponds to the following list:

- A. Kathy Goldenberg, President, State Board of Education
- B. Andrew J. Mulvihill, Vice President, State Board of Education
- C. Arcelio Aponte, Member, State Board of Education
- D. Mary Beth Berry, Member, State Board of Education
- E. Elaine Bobrove, Member, State Board of Education
- F. Fatimah Burnam-Watkins, Member, State Board of Education
- G. Dr. Ronald K. Butcher, Member, State Board of Education
- H. Mary Elizabeth Gazi, Member, State Board of Education
- 1. John Burns, Counsel, New Jersey School Boards Association
- 2. Stan Karp, Director of Secondary Reform Project, and Jessica Levin, Senior

Attorney, Education Law Center and Jeanne LoCicero, Legal Director, American Civil Liberties Union of New Jersey

3. Marie Blistan, President, Sean Spiller, Vice President, and Steve Beatty, Secretary Treasurer, New Jersey Education Association
4. Senator Teresa Ruiz
5. Christine Miles, Associate Director of Professional Development and Instructional Issues, New Jersey Education Association
6. Karen Bingert, President, New Jersey Principals and Supervisors Association
7. Stan Karp, Director of Secondary Reform Project, Education Law Center
8. Justin Escher Alpert
9. Mary O'Malley, We Raise New Jersey
10. John Farinella, Principal, Rahway Public Schools
11. Lenore Kingsmore, Principal, Henry Hudson Regional School
12. Daniel Moran
13. Andrew Scanlon
14. Lisa Morra
15. Michele Donnelly
16. Maria Celentano
17. Angela Hargrove
18. Jimmy Rosa
19. Jennifer Carlin
20. Kimberly Moscariello
21. Tracy Robinson
22. Michael Anastasio
23. Laurie Shelley
24. Marilyn Silva

25. Rose Bornstein Bedoya
26. Diane McHugh
27. Rochelle Miller
28. Diane Resciniti
29. Michael Matassa
30. Sean McCoy
31. Angelina Weber
32. Samantha Battle
33. Judy Miller
34. Terry Turner
35. Jayne Devine
36. Alexis Horbatt
37. Janice Liddy
38. John Carrier
39. Dawn Pizzo
40. Annette Coomber
41. Christine Apple
42. Jacqueline Kruzik
43. Jennifer Faulhaber
44. Matin Adegboyega, Ed.D.
45. Sean Spiller, Vice President, New Jersey Education Association
46. Carla Gianni
47. Natalia Vera

48. Sarah Hymowitz
49. Denise Mayfryer
50. Caia Schlessinger, President, New Jersey Teachers of English to Speakers of Other Languages/New Jersey Bilingual Educators
51. Alyssa Yang
52. Meghan Lewandowski
53. Amparo Glukstad
54. C. Denechaud
55. Colin Bell
56. Karen Campbell
57. Kim LeCras
58. Sean Garrett
59. Marlena Mac Lean
60. Patricia Whitford
61. Christine Estrada
62. Lori Rodrig
63. Elaine White
64. Christine Winter
65. Nicholas Andreacci
66. Estelle Cherofsky
67. Alicia Rizvi
68. Alexander Diaz
69. Amy Pearlmutter
70. M. R., Student

71. Meredith Kates
72. Lauren MacLean
73. Megan O'Brien
74. Elizabeth Franks
75. Frank Romano Jr.
76. Stephanie Reid
77. Margaret Raylman
78. Dr. Dwayne Davis
79. Joni Colaneri
80. Unsigned
81. Clifford Herrington
82. Michael Keat
83. Matt Spricia
84. Mary Baumann
85. Anna Maria
86. Mathematics Teacher, Kenilworth School District
87. Jill Martinelli, Bergenfield Education Association
88. Kathleen Quinn, Member, Cinnaminson Board of Education
89. Charlene Green
90. Ryan S. O'Donnell
91. Marsha Boone
92. Signature Unreadable
93. Lisa D. Poli

94. Rondalegh Austin
95. Collete Staub
96. Aly Brown
97. Donna Custard, President, New Jersey Chamber of Commerce Foundation,
Michael Taylor, Board of Directors, African American Chamber of New Jersey,
and Mike Wallace, Vice President for Government Affairs, New Jersey Business
and Industry Association
98. Diana Cowder
99. Kathleen Mooney
100. Ryan Johnson
101. Emily M. Iannotta
102. Rhonda Sherbin
103. Robert Blistan
104. Susan Overpeck
105. Lucy Dolin
106. New Jersey Teachers of the Year: Diane Cummins (2004), Peggy Stewart (2005),
Dr. Maryann Woods-Murphy (2010), Jeanne Muzi (2009), Dr. Kathleen Assini
(2014), Jennifer Skomial (2019), and Kimberly Dickstein-Hughes (2020)
107. Rebecca Scheer
108. Christine Rehwinkel
109. Mellissa Hawley
110. Thomas Jennings
111. Dawn Gilligan
112. Teresa DelGiudice
113. Lisa Litz-Neavear
114. Michele Sullivan

115. Linda Lendman
116. Jen Garcia
117. Dayna Stein
118. Ray Griffin
119. Lisa Principe
120. Rachel Gordon
121. Christina Zack
122. Nicole Alzamora
123. Daniel Cummings
124. Dave Astor
125. Twanda Taylor
126. Kathy Aprile
127. Jenn Hamlet
128. Kelly Rosato
129. Katherine Suchodolski
130. Tracy Budd
131. Irene Wojcik
132. Eric Milou
133. Peter Morgan
134. Karen Buggle
135. Nicole Illuzzi-Sedwin
136. Maxx Boyle
137. Dave Grippo

138. Harriett Parker
139. Pamela Fadden
140. Lisette Ramos
141. Kimberly Reardon
142. Maria Eva Dorigo
143. Melina Garda
144. Sandra Buritica
145. Heather Nellis
146. Timothy McGrail
147. Mary Clements
148. Susan Maurer
149. Daniela Santos
150. Robin Jimenez
151. Brenda Brathwaite
152. Zev Babbitt
153. Thomas Dahab
154. Vivian Campbell
155. Elizabeth Shimwell
156. Dan Rozanski
157. Lauren Colflesh
158. Erin Sidie
159. Luke Alvarez
160. Renata Marchesi

161. Alison Thornhill
162. Steve Bontempo
163. Beth Egan
164. Christine Sampson-Clark
165. Renee Jernigan
166. Laura Granett
167. Art Shaw
168. Gina Ahearn
169. Walter Koziatek
170. Michelle Maikis
171. Angeline Stierch
172. Kwame Ivery
173. Joy Barnes-Johnson
174. Nancy Simon
175. Gregg Getherall
176. Tracey Fernandez
177. Jennie DeMizio
178. Vikki Morrocco
179. Dan Marra
180. Pat King
181. Colleen Boyle
182. Kate Moore
183. Kimberly Santulli

184. Marlene Kraynock
185. Daniel Sullivan
186. Matthew Gibson
187. Brook Zelcer
188. Samuel Thomas
189. Roberta Sallee
190. James Ruocco
191. Janice Schmidt
192. John Shellenberger
193. Tammi McGarrigle
194. Carrie Pokallus
195. Juana Noriega
196. Jennifer Rivera
197. Eileen Pic
198. Lauren Aiello
199. Glenn Haug
200. Ron Van Buren
201. Christine Olinda
202. Joe Azzarello
203. Stephanie Assal
204. Richard Grennor, Ed.D.
205. Stacey Campbell
206. Warren Schaeffer

207. Karen Huysers
208. Sharon Beaulieu
209. Jo Ann Farhood
210. Laura Baker
211. Karoline Scheck
212. Christopher J. Nesi
213. Ellie Abdi
214. Michelle Primavera
215. Wanda Power
216. Frank Finocchio
217. Denelle M. Johnson
218. Carol Kreisinger
219. Michael Nassar
220. Paul Raiz
221. John Zurka
222. Barbara Napoleon
223. Toni Guerra
224. Amy Stem
225. Linda J. Barth
226. Debra Calle
227. Felix Perez
228. Maryann Jessop
229. Allison Bolsius

230. William Smith
231. Jana Castelli
232. Suzette D. Kamerman
233. Robin Klein
234. Larry Marino
235. Dina Scacchetti
236. Doreen Romanchuk
237. Ed Ambrose
238. Jonathan Sagar
239. William Saccardi, Ed.D.
240. Dawn Fichera
241. Dr. Steven Tetreault
242. Marcia Bradley
243. Gena Shapiro
244. Germania Cordova
245. Nick Andreacci
246. Alice Colao
247. Angelo Ascione
248. Cindi Hannon
249. Sandra Criscenzo
250. Anne Baker
251. Sitta Cohen
252. Charlene Sharkey

253. Genevieve Mager
254. Melissa Sypniewski
255. Nicole Scheeler
256. Richard White
257. Nancy Rogers
258. Vivian Scavo
259. Julianne Moore
260. Maureen Clifford
261. Diane Heath
262. Diane Camiolo
263. April Emmert
264. Jonathan Tick
265. Casey Dunn
266. Dennis Carroll
267. Tracey Bailey
268. Theresa Rampino
269. Alison Hall-Goldman
270. Robert Dahl
271. Regina Meehan
272. Susan DiStefano
273. Holly Kaiser
274. Patrice Rowan
275. Jeanine Tricario

276. Tatiana Arias
277. Dayna Quiles
278. Donna Biddulph
279. William Eichert
280. Susan Monego
281. Lucinda Bullock
282. Mercedes Davidson
283. Kerrie Bellisario
284. George Sant
285. Matthew Young
286. Veronica Leone
287. Sheree Guglielmi
288. Patricia Dougherty
289. Encarnacion Vallejos
290. Jennifeur Wilson
291. Kerry Wittenburg
292. Hilary Caruso
293. Maureen Douglas
294. Vera Jelley
295. Brian Baylor
296. Max Mellman
297. Karen Steele
298. Mary Lamey

299. Sam Lichtenfeld
300. Daniel Greco
301. Suzanne Dolan
302. Joseph Kerschner
303. Claudia O'Connor
304. Amy Howatt
305. Kelly Worton
306. Abby Zahn
307. Tina Plummer
308. Kimberly Braun
309. Lisa Marie Fuchs
310. Anita Schwartz
311. Claire Collins
312. Jason Jasinski
313. Mary Soccio
314. Lisa Roach
315. Richard W. Bozarth
316. Kyle Mendelsohn
317. Jason Kuhns
318. Edison Berrio
319. Christy Brown
320. Tamara Beatty
321. Karen Krick

- 322. Lynn Szczeck
- 323. Erin Wheeler
- 324. Patricia Gordon
- 325. Lauren MacInnis
- 326. Melissa Pomphrey
- 327. Stacey Rose
- 328. Christopher Cannella
- 329. Lynelle Woolson
- 330. Sheila Tiner
- 331. Dana Sainte
- 332. April Misinsky
- 333. Thomas Chirip
- 334. Melba Moore-Suggs
- 335. Shontaye Glover
- 336. Laurette Ibe
- 337. Marie Arnold
- 338. Tom Calvanico
- 339. Sarah Collins
- 340. Noreen Mikulski
- 341. Megan Augusta
- 342. Maria Duffy
- 343. Anthony Fabrizio
- 344. Marcia Saltzman

345. Irene Gilman
346. Larissa Fanning
347. Eric White
348. Frances K. Whitworth
349. Janice Mehalick
350. Sue Herrmann
351. Lindsay Warren
352. Luann Hill
353. Eileen Pabon
354. Vicki Price-Pennino
355. Dave Muller
356. Jacqueline South
357. Melissa Weis
358. Darlene DiFalco
359. Kay Moore
360. Erin Woronicz
361. Ellis Goldberg
362. Scott Riotto
363. Albert Vetrini
364. Dennis Hiel
365. Lauren LoPorto
366. Lori Amaral
367. Christiane Azer

368. Lise Simard
369. Arvin Gopal
370. Lianne Bartram
371. Ikechukwu Onyema
372. Frank McCulley
373. Bianca Nieves
374. Katharine Watson
375. Deborah Yautz
376. Linda Cane
377. Lawrence Tornow
378. Tom Rosenberg
379. Sarah Mammucari
380. Frances Maye
381. Maria Loikith
382. Joanna Bruggeman
383. Stephanie Segrest
384. Felicia Barra
385. Lynn Fedele
386. Gwen Luecke
387. Nichole Lorusso
388. Tatiana Fella
389. Linda Ortiz
390. Alice Watkins

391. Alyson Stagich
392. Krista Horan
393. Teri Wilcox
394. Janice Milstein
395. Elizabeth Aviles
396. Elena Moran
397. Denise King
398. John Demree
399. Grace E. Rarich
400. Frank Mazzone
401. Jerly Maisonable
402. Jennifer Schiffrin
403. Margaret Gatti
404. Anthony Gallo
405. Marcy Clay
406. Jess Louderback
407. Mariana Helmold
408. Beth Sokolic
409. Trondell Dupree
410. Monica Herits
411. Tara Porreca
412. Bronwen Eastwood
413. Thomas Costello

414. Jennifer Aiello
415. David DeGraw
416. Jackie DoCampo
417. Krystal Thomson
418. James Smith
419. Jared Prupis
420. Karen Young
421. Barbara Ciambri
422. Rosemary Liddie
423. Rani Gronau
424. Ronald R. Puryear Jr.
425. Michele Schettino
426. Susan Kleinman
427. Alyssa Schlossberg
428. Alberto Ritondo
429. George Emery
430. Yolanda Sanchez
431. Lisa Rizziello
432. Jayme Canavera
433. Peter Kedl
434. Lily Klein
435. Susan Deile
436. Gail Helhoski

437. Dawn Caporusso
438. Laura Giumarra
439. Noel Deremigi
440. Grace Nasto
441. Mickey Hamell
442. Michael Hofsaes
443. Mary-Elizabeth Clauson
444. Jane Byrne
445. Mark Arshan
446. Charleen Scully
447. Lisa Stansbury
448. Mary Rugarber
449. Robin Holcombe
450. Kelly Venezia Crilly
451. James Ponchak
452. Robert Heinze
453. David Harris
454. Sarah Goldstein
455. Carl Romero
456. Jill Goldman
457. Scott Schoettle
458. Matthew McCarthy
459. Patricia Wulster

460. Paul O'Connor
461. Marla Fruhling
462. Marion Ayako Loder
463. Kerrian Palmieri
464. Jennifer Williams
465. Marietta Cerciello
466. Geraldine Misiewicz
467. Joseph Diguisepe
468. Barbara Fehrs
469. R. Konschak
470. Stephanie Nesser
471. Linda Calandra
472. Patricia Schall
473. Donna Simon
474. Monique Corby
475. RoseMarie Herman
476. Angela Krejsa
477. Audrey Ivancich
478. Linda Carman
479. Wm McCauley
480. Sherri DiStefano
481. Douglas Moore
482. Jenea Stradford

483. Lisa Chedid
484. Randa Hogate
485. Olive Joseph-Giles
486. Wendy Capra
487. Bonnie Rodriguez
488. Donna Johnson
489. Alberto Roman
490. Charles Hollis
491. Joann Blackmore
492. Andrew Siganuk
493. Jessica Page
494. Kathleen Caporaso
495. Kathleen Vogel
496. Karen Plaskow
497. Nora Amato
498. William Palm
499. Jon Astin
500. Vicki Agnew
501. Julie Yi
502. Ruma Pal
503. Seouvan Rodriguez
504. Amara Wagner
505. Keith Dennison

506. Anna Marie Bearint
507. Richard D'Avanzo
508. Cheryl Santore
509. Kathleen Borden
510. Valerie Gazda
511. Solange Lopes Murphy
512. Marcia Stetler Klock
513. Janet Felice
514. Alyssa Levy
515. Katelyn Lee
516. Dara Weiss
517. Sarah Rhee
518. Nicole Alpern
519. Nicholas Shapiro
520. Ashley Buckley
521. Melissa
522. Tom Desocio
523. Veronica Kriegl
524. Kim Piccari
525. Christine Hewitt
526. Mariah Beiber
527. Gregory Mills
528. Mario Montanero

529. Marybeth Iorio
530. Diane Lagattuta
531. Warren Heede
532. Nancy Bachrach
533. T.L. Myers
534. Andrea Klenker
535. Arcelio Apote
536. Judy Perkins
537. Peter Kedi
538. Barbara
539. Timothy McGrail
540. Robin Isserles
541. Lois Joyce
542. Suzanne Trainor
543. Suzanne Visnovsky
544. Pat Holden
545. Tracy Foster
546. Jane Sherry
547. Edith Alvarado
548. Virginia Pasternak
549. Lisa Ditchkus
550. Jayne Carmen
551. Sukhmani Goomer

- 552. Katharine Mason
- 553. Rosann Ehlers
- 554. Sara Gilgore
- 555. Danielle Mattia
- 556. Tiffany Aguayo
- 557. Elissa Malespina
- 558. Devon Sorrentino
- 559. Kristen Bartolone
- 560. Nikki Baker
- 561. Rosa Perez
- 562. Jenna Kepley
- 563. James M. Osborn
- 564. Christina Morrissey
- 565. Marco Martinez
- 566. Awo Okaikor Aryee-Price
- 567. Cari Ragona
- 568. April Kinder
- 569. Elizabeth Hussla
- 570. J. Phillamorte
- 571. D.B. Grasso
- 572. Bill Hartman
- 573. Tina Dare
- 574. Marie

- 575. Kathy Merzena
- 576. Grace Bordonaro
- 577. Rebecca Capizzi
- 578. Michael Warren
- 579. Julia Guttilla
- 580. Felecia Seigel
- 581. Hana Prashker
- 582. Janea Cunningham
- 583. Kelly Bloomer
- 584. Karen Schwing
- 585. Ryan McMichael
- 586. Kristin Shea
- 587. Ava Annese
- 588. Annette Ruch
- 589. Jennifer Jenkins
- 590. Melisa Whitworth
- 591. Diana Hughes
- 592. Michelle Czapinski
- 593. Kim Carroll
- 594. Aimee Bramley
- 595. Aleksandra Carbajal
- 596. Helen Brereton
- 597. Donna Yoyerke

598. Catherine MacManiman
599. Joyce Nelson
600. Kathleen Vergaretti
601. Jill Flynn
602. Sigifredo Cruz
603. Corinne West
604. Nicole Hanrahan
605. Robbin Reed
606. Petra Niquet
607. Jennifer Dean
608. Jennifer Leach
609. Len Sobel
610. Karen Meany
611. Elizabeth Hussla
612. Caren Kalman
613. Cheryl Friedman
614. Jessica Cook
615. Deborah Carpenter
616. Ellen Schwartz
617. Ruth Ditullio
618. Carrie Hyman
619. Debra McMahon
620. Bianca Noeves

621. Eileen Mchugh
622. Gizelle Dobronski
623. Beverly Perryman
624. Rakki Jillepalli
625. KelleyAnn Morris
626. Angela Jordan
627. Ann Marie Schneider
628. Prasad Jillepalli
629. Gregory Gates
630. Irma Curry
631. Tara Temprano
632. Christina Gailliout
633. Maryanne Akins
634. Alexis Cherry
635. Deborah Cortigiani
636. Mary Carpenter
637. Sharon Ortiz
638. Difei Shi
639. Mary Aureti
640. Martin Mieden
641. Veronica Moore
642. Laura DeBiasse
643. Chrissy Tirpack

- 644. Cara Leach
- 645. Arthur Taylor
- 646. Kate James
- 647. Lisa Campis
- 648. Rachael Egan
- 649. Andrea DeGraaf
- 650. Rebecca Moser
- 651. Victoria De Santis
- 652. Madeline Monaco
- 653. Michael Cantatore
- 654. Jim Hamant
- 655. Marci Roche
- 656. Susan Vigilante
- 657. Grace Mccloskey
- 658. Sandra Eakin
- 659. Jean Bertolini
- 660. Patricia Savulich
- 661. Jeanette Pine
- 662. Eileen Healey
- 663. Phyllis Kopec
- 664. Iris Tonti
- 665. Robert Stolarz
- 666. Michelle Land

- 667. Kenneth Cohen
- 668. Maggie Churchill
- 669. Twanda Tyler
- 670. Joanne Sullam
- 671. Eileen LaTorre
- 672. Debra Reed
- 673. Rosalie Carter
- 674. Theresa Simonelli
- 675. Anita Franzione
- 676. Leslie Clark
- 677. Chris Johnson
- 678. Megan Jones
- 679. Carolyn Cid
- 680. Melinda Kelley
- 681. Joan Roma
- 682. Kourtney Hamker
- 683. Shawn Liddick
- 684. Roosevelt Delossantos
- 685. Rocco Fornaro
- 686. Nicole Negri
- 687. Janie Jones Brown
- 688. Grace Alves
- 689. Angela McVerry

690. Catherine Ianni
691. Laura Byrnes
692. Marcella Thomas
693. Carol Leonard-Kunzig
694. Megan Manogue
695. Jennifer Lally
696. George Markey
697. Margery Walsh
698. Rob Pasek
699. Yolanda Boyd
700. Carrie Mazak
701. Kathryn Fitzsimmons
702. Ron Grobe
703. Christopher Jones
704. Todd Lewis
705. Amanda Pinto
706. Paula Murray
707. Yvonne Williams
708. Julie Rothwell
709. Lauren Catts
710. Stephanie Griffoul
711. James Orourke
712. Meg Bozzone

- 713. Danielle Scipione
- 714. Cheryl Terranova
- 715. Yngrid Scanlon
- 716. Christina Russo
- 717. Stefanie Oesen
- 718. Diane Vistein
- 719. Lisa Cowny
- 720. Cristian Marrero
- 721. Patricia Osborne
- 722. Kenneth Bassett
- 723. Jacqueline Pelliccio
- 724. Meghan Gentleman
- 725. Julie Steinman
- 726. Andrew Lewis
- 727. Sam McCann
- 728. Mark McGrath
- 729. Deanna Nicosia-Jones
- 730. Julie Barchetto
- 731. Jeff Roemy
- 732. Sarah Wills
- 733. Scott Passner
- 734. Lisa Crvaric
- 735. Sharri Koonce

- 736. Ellen Velmer
- 737. Laura Fecak
- 738. Jeremias Salinas
- 739. Liora Lavon
- 740. Mary-Teresa Smith
- 741. Donna Mattina
- 742. Barry Zeger
- 743. Clare Monarch
- 744. Cynthia Barry
- 745. Marilyn Leone
- 746. Meredith Barnes
- 747. Maria Salesi
- 748. Gianna Scaglione
- 749. Nicole Shubert
- 750. Barbara Cullere
- 751. Natalie Fisher
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- 753. Kaylee Baldwin
- 754. Sheniqua Hairston-Kitchings
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- 768. Marie Dupont
- 769. Robert Nebulo
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- 772. Margaret LaDue
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- 774. Suzette Kamerman
- 775. Christine
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- 777. Vanessa Zimmerman
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- 780. Bonnie Dasher
- 781. Lauren Gigante

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- 801. Juliann Hanson
- 802. Jazz
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- 804. Michael Sullivan

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- 849. Jason Pope
- 850. Kimberly Fitzpatrick

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852. Chrystina Spadel
853. Ellen Goodlad
854. Wilma Fitzpatrick
855. Sue Butterfullo
856. Lorin DePinto
857. Anthony Zarych
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859. Amanda Steinberg
860. Mario Montanero
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872. Christine MacLeod
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- 1080. Anna Quick

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- 1118. Denise Malone
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- 1125. Danielle Valencia
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- 1148. David Yastremski
- 1149. Donna Rich

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- 1166. Danielle Dittmer
- 1167. Elizabeth Lopez
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- 1169. Shana Deininger
- 1170. Christine Aretz
- 1171. Pamela Levin
- 1172. Lynn Edward Espenshade

- 1173. Anna Quick
- 1174. Rosemary Benson-Salotti
- 1175. Leslie Reed
- 1176. Ed Scherer
- 1177. Wadudah Nurul-Islam
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1557. Beth O'Donnell-Fischer
1558. "breynoldsacgreen"
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1560. Brendan Hughes
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1607. Colleen Martinez
1608. Contessa Iannitelli

- 1609. Cooper Gorelick
- 1610. Corinne Miskowsky
- 1611. Corinne Truax
- 1612. Courtney Casto-Gardner, Teacher of English language learners
- 1613. Cristina Burrows
- 1614. Cyndi Rosenberg
- 1615. Cynthia Jackson Redd
- 1616. Dan Siegel
- 1617. Daniel Ortizdaa
- 1618. Daniel Rozanski
- 1619. Daniel Staples
- 1620. Danielle Salimbene-Gesner
- 1621. Danielle Silverglade
- 1622. Darlene Laubenstein, N.J. Teacher of the Handicapped
- 1623. Daryl Perkins
- 1624. David Kleiner
- 1625. David Sehr
- 1626. Daw Ward
- 1627. Dawn Fichera
- 1628. Dawn Goeke
- 1629. Dawn Nichol-Manning
- 1630. Deanna Nicosia-Jones
- 1631. Deanne Martini

- 1632. Deb Ronning, Bridgewater-Raritan Regional School District
- 1633. Debbie Baer
- 1634. Deborah Carpenter
- 1635. Deborah Glicklich
- 1636. Deborah Schillinger
- 1637. Debra Dempsey
- 1638. Denis Bourgeau
- 1639. Denise Braak
- 1640. Denise Burkhardt
- 1641. Denise Callahan
- 1642. Denise Grasso
- 1643. Denise Jimenez
- 1644. Denise McDermott
- 1645. Denise Towers
- 1646. Dennis Mitchell
- 1647. Dianna Morris
- 1648. Diccon Hamilton
- 1649. Dolores Bullock
- 1650. Dolores Miskelly
- 1651. Domenick Panfile
- 1652. Donetta Garrett
- 1653. Donn Hochhauser
- 1654. Donna DiNardo

1655. Donna Mirabelli
1656. Doris Rascher
1657. Edward Cieslak
1658. Edward Meidhof
1659. Eileen Healey
1660. Eileen Sauls
1661. Elena Goehrig
1662. Elena Vizcarrondo
1663. Eleni Tsoukas
1664. Elissa Malespina
1665. Elizabeth DeStefano
1666. Elizabeth Kovats
1667. Elizabeth Larson
1668. Elizabeth Petrangeli
1669. Elizabeth Schneider
1670. Elizabeth Shimwell
1671. Elizabeth Williams
1672. Ellen McConnell
1673. Ellen Yong Yow
1674. Ellen Zakian
1675. Emily Nicholson
1676. Eric Milou
1677. Erica Marra, English as a second language teacher

- 1678. Erich Hoffman
- 1679. Erin Chiappini
- 1680. Erin Jensen
- 1681. Esther Fletcher
- 1682. Evan Levy
- 1683. Evelyn Diaz-Valle
- 1684. Fanny Cruz-Betesh
- 1685. Fay Weatherington
- 1686. Felicia Froimovitz
- 1687. Felicia Kennedy
- 1688. Frank Castella
- 1689. Fred Holden
- 1690. Gabriela Rezzonico
- 1691. Garrett Van Curen
- 1692. Gayle McGuire
- 1693. Gene Woods
- 1694. George Jalandoni
- 1695. Geraldine Beatty
- 1696. Gina Ahearn
- 1697. Gina Letizia
- 1698. Glennysa Jurado-Moran, Member of NJTESOL/NJBE
- 1699. Grace Alves
- 1700. Grace Rarich

1701. Greg Rynkiewicz
1702. Hana Prashker, English language learner teacher, former NJTESOL/NJBE English as a second language secondary SIG representative
1703. Hannah Pawlak
1704. Harry Lukachyk
1705. Haydeliz Miranda
1706. Heather Carew
1707. Heather Slocum
1708. Heidi Brache
1709. Helaine Evans
1710. Helen DeVoe
1711. Helen Wizemann
1712. Hope Koturo
1713. Hope Zabolinsky
1714. Ileana Mendes
1715. Irene Matos
1716. Jackie Kazior
1717. Jacquelyn Hogan
1718. Jacqueline Rivera
1719. Jacqueline Tur
1720. Jacqueline Turk
1721. Jacqueline Wozniak
1722. Jacqueline Vitagliano
1723. James Bowe

- 1724. James Dolan
- 1725. James Hornby
- 1726. Jane Garvin
- 1727. Janet Chaballa
- 1728. Janice Colavito
- 1729. Janie Jones Brown
- 1730. Jared Prupis
- 1731. Jason Rhinehart
- 1732. Jay Wecht
- 1733. Dr. Jayne Tanis, Director of Curriculum, Instruction, and Testing, Supervisor of English as a second language programming, Pompton Lakes School District
- 1734. Jean Bates
- 1735. Jean Szeliga
- 1736. Jeanette Pine
- 1737. Jeffrey M. Taylor
- 1738. Jenna Maneri
- 1739. Jenna Mergel
- 1740. Jennifer Ansbach
- 1741. Jennifer Bailey
- 1742. Jennifer Colella
- 1743. Jennifer Jenkins
- 1744. Jennifer Reilly
- 1745. Jennifer Rivera
- 1746. Jennifer Romero

- 1747. Jennifer Stever
- 1748. Jennifer Welcome
- 1749. Jenny Leitinger
- 1750. Jenny Sparno
- 1751. Jessica Decelle
- 1752. Jessica Feins
- 1753. Jessica Kuch
- 1754. Jessica Perdomo
- 1755. Jessica Rista
- 1756. Jillian Costantino
- 1757. Joan Wright
- 1758. Joann Abbamonte
- 1759. JoAnne Negrin
- 1760. Jocelyn Martinez
- 1761. John Beichert
- 1762. John Dean
- 1763. John Durney
- 1764. John McMichael
- 1765. Jordan Back
- 1766. Jorden Nolan
- 1767. Jose Ventura
- 1768. Joseph Fleischner
- 1769. Josh Eckersley

- 1770. JP Kenny
- 1771. Juan Castro
- 1772. Judith Perkins
- 1773. Julia Cassano
- 1774. Julia Guttilla
- 1775. Julianne Sanchez
- 1776. Julie Borst
- 1777. Julie Kimker
- 1778. Julie Shellaway
- 1779. June Scherer
- 1780. June Simmons
- 1781. Justin Mathai
- 1782. Kaline Videau
- 1783. Karen Demarest, English language learner teacher, Roxbury School District
- 1784. Karen Kinter
- 1785. Karen Lieberman
- 1786. Karen M. Hart
- 1787. Karen Morlock
- 1788. Karen Munson
- 1789. Karen Phillips
- 1790. Karen Zangara
- 1791. Karin Vanoppen
- 1792. Kate Griffin

1793. Katelyn Dato
1794. Kathryn Graf
1795. Kathie DeMey
1796. Kathleen Fernandez, Executive Director, NJTESOL/NJBE
1797. Kathleen Hall
1798. Kathleen Murray-McNulty
1799. Kathleen Vogel
1800. Kathleen Wood
1801. Kathryn Falco
1802. Kathy Lee
1803. Katie Salvo
1804. Katie Whitley
1805. Kay Karabinos
1806. Keelyn Leonard
1807. Kelli Pirozzoli
1808. Kelly Clark
1809. Ken Sharp
1810. Kerry Jackson
1811. Kevin Kelleher
1812. Kiley Squier
1813. Kim Mouzon
1814. Kimberly Miller
1815. Kimberly Scott

1816. Kimberly Speller
1817. Kimberly Stivers
1818. Kimberly Vasile
1819. Kimberly Wright
1820. Kirsten Nachman
1821. Kourtney Hamker
1822. Kris Ann Dmitrieff
1823. Kris Golda
1824. Kristen Hutchins
1825. Kristen Polak
1826. Kristen Ryan
1827. Kristen Scarpelli
1828. Kristi E. Weber
1829. Kristin Mele
1830. Kristin Mindo
1831. Kristin Pei
1832. Kyle Hamilton
1833. Lashanta Rogerd
1834. Laura Blake
1835. Laura Giumarra
1836. Lauren Peters
1837. Lauren Rudowski
1838. Lauren Shahine

- 1839. Lauren Spiller
- 1840. Laureta Dachille
- 1841. Laurie Budhu
- 1842. Laurie Gibson-Parker
- 1843. Lee Ann Brensinger
- 1844. Leon Alirangues
- 1845. Leonia Wise-Holston
- 1846. Leslie Beamon
- 1847. Leslie Young
- 1848. Linda Harding
- 1849. Linda Krulikowski
- 1850. Linda Luvera
- 1851. Linda Marton, Retired teacher
- 1852. Linda White
- 1853. Lisa Chedid
- 1854. Lisa Crate
- 1855. Lisa Hiner
- 1856. Lisa Holder
- 1857. Lisa Lawless
- 1858. Lisa Litz-Neavear
- 1859. Lisa Moore
- 1860. Lisa Nolan
- 1861. Lisa Rizziello

1862. Lisa Sassaman
1863. Lisa Simone
1864. Lois Muhaw
1865. Loretta Kimmick
1866. Lori Ciesla
1867. Lori Lalama
1868. Lori Stapleton
1869. Louis Dudas
1870. Lydia Loschiavo
1871. Lynelle Woolson
1872. Lynne Bussott, Governor Charles C. Stratton School Teacher of the Year 2020-21
1873. Maegen Alt
1874. Margaret Kramer
1875. Margaret Whitsett
1876. Margarita Escobar
1877. Maria Celentano
1878. Maria Ibelli
1879. Maria Jones
1880. Maria Lekhrajmal
1881. Marie Mastromonaco
1882. Mark Tomaskovic
1883. Marlene Hinostroza
1884. Mary Cassidy

- 1885. Mary Cummins
- 1886. Mary Curran
- 1887. Mary Gehring
- 1888. Mary Helen Coiro
- 1889. Mary Imbriacco
- 1890. Mary Kennedy
- 1891. Mary Swann
- 1892. Mary Walker
- 1893. MaryAnn Mena
- 1894. Maryann Stewart
- 1895. Maryanne Akins
- 1896. Marybeth Woollen
- 1897. Matt Murphy
- 1898. Matthew Higgins
- 1899. Matthew Mansbach
- 1900. Matthew Young
- 1901. Maureen Collins
- 1902. Maureen Germer
- 1903. Maureen Strzykalski
- 1904. Max Mellman
- 1905. Meghan DeVaney
- 1906. Meghan Ferreira
- 1907. Meghan Haney

- 1908. Melanie Dawson
- 1909. Melanie Vasa
- 1910. Melissa Chou
- 1911. Melissa Cruz
- 1912. Melissa Foremny
- 1913. Melissa Gonzalez
- 1914. Melissa Kearney
- 1915. Melissa Morgan
- 1916. Melissa Vega
- 1917. Melissa Wertz
- 1918. Melissa Young
- 1919. Meredith DeFeo
- 1920. Meredith Gnerre
- 1921. Mia Celluro
- 1922. Michael McCann
- 1923. Michael Stanley
- 1924. Michael Sullivan
- 1925. Michele King
- 1926. Michelle DiGiorgio
- 1927. Michelle Giuliano
- 1928. Michelle Land, Vice President, NJTESOL/NJBE
- 1929. Michael Mason
- 1930. Michelle Ramm

- 1931. Michelle Ricci
- 1932. Mike Flynn
- 1933. Mike Mannion
- 1934. Mike Ryan
- 1935. Millenni Basumatary
- 1936. Molly Eisen
- 1937. Monique Yarwood
- 1938. Morgan Lazar
- 1939. Namrah Ali
- 1940. Nancy Regan
- 1941. Natasha Allen
- 1942. Natasha Dillon
- 1943. Neha Mirchandani
- 1944. Nick Rosolanko
- 1945. Nicole Colamarino
- 1946. Nicole Marinaro
- 1947. Nicole Muller
- 1948. Nicole Narese
- 1949. Nicole Sengdetka
- 1950. Nikki Baker
- 1951. Nina Packie
- 1952. Nsmy Rojas
- 1953. Paige Calabro

1954. Pam Longaker
1955. Pamela Mason
1956. Pamela McNamee
1957. Pamela Miller
1958. Patricia D'Angelo
1959. Patricia Iaconetti
1960. Patricia Kollar
1961. Patricia Richardson
1962. Patricia Suralik
1963. Paul Noone
1964. Paula Compo-Pratt
1965. Rachel Davis
1966. Rachel DiBartolo
1967. Rachel Resignato
1968. Randi Levine
1969. Raquel Guarino
1970. Rebecca Ann Bosch
1971. Rebecca Fitzpatrick
1972. Rebecca Mainiero
1973. Rebecca Rotino
1974. Rebecca Sheehan
1975. Regina Clark
1976. Renee Ahern

1977. Renee Szporn
1978. Rhonda Yabko
1979. Richard Grennor, Ed.D.
1980. Rith Rivera
1981. Roberta Holmes
1982. Ron Bivona
1983. Rose Murray
1984. Rose Wolthoff
1985. Rossana Miranda
1986. Roxanne Peterson
1987. Samantha Altman
1988. Samantha Civil
1989. Sara Munson
1990. Sara Sabolcik
1991. Sarah Anderson
1992. Sarah Edwards
1993. Satin Jordan
1994. Scott Idec
1995. Scott Riotto
1996. Seouvan Rodriguez
1997. Shahzadi Hussain
1998. Shalon Cruz
1999. Shannon Anderson

- 2000. Shannon Findlow
- 2001. Shannon Keely
- 2002. Shari Mendelson
- 2003. Shari Merola
- 2004. Sharon Mikolajczyk
- 2005. Sharon Ortiz
- 2006. Sharonda Gray
- 2007. Shawn Liddick
- 2008. Shaye Brown
- 2009. Sheree Guglielmi
- 2010. Shilpa Palawat
- 2011. Simone Patterson
- 2012. Sonia Santos
- 2013. Sonja McKenna
- 2014. Sophia Jones
- 2015. Stacey McWilliams
- 2016. Stacy Schiller
- 2017. Stefanie Morales
- 2018. Stephanie Ciecierski
- 2019. Stephanie Margolies
- 2020. Stephanie Monaghan
- 2021. Stephanie Transky
- 2022. Stephen Malone

- 2023. Stephen Tucker
- 2024. Steve Ebeling
- 2025. Steve Leadley
- 2026. Steve Redfearn
- 2027. Steven Gable
- 2028. Sue McBride
- 2029. Susan E. Barkowski
- 2030. Susan Di Fedele
- 2031. Susan Maniglia
- 2032. Susan Maurer
- 2033. Susan Ronca
- 2034. Suzanne Cooper
- 2035. Suzanne Scheyer
- 2036. Talisa Butler
- 2037. Tammi Lee
- 2038. Tammie Fischer
- 2039. Tammy Bloom
- 2040. Tasha Austin
- 2041. Tatiana Fella
- 2042. Temika Langston-Myers
- 2043. Teresa DelGiudice
- 2044. Therese Kearns
- 2045. Thomas Calvanico

- 2046. Thomas Schram
- 2047. Tiffany Coston
- 2048. Tim Campbell
- 2049. Timothy McGrail
- 2050. Tina Gaetanina Del Duca
- 2051. Tina Kern
- 2052. Todd Cohen
- 2053. Tom Bauer
- 2054. Tom Shuman
- 2055. Tracy Jerue
- 2056. Tracey Fernandez
- 2057. Tracey Rankus
- 2058. Tracy Magel
- 2059. Valerie Dippner
- 2060. Valerie Hampton
- 2061. Valerie Spears
- 2062. Victoria Trerotola
- 2063. Virginia Pasternak
- 2064. Wanda Asmar
- 2065. Welsida Grambone
- 2066. Wendy Sistarenik
- 2067. Yolette Pompilus
- 2068. Yuri Díaz, Supervisor of World Languages/ESL/Bilingual Education, East Brunswick Public Schools

- 2069. Yvette Bishara
- 2070. Yvonne Francis
- 2071. Zinia Melendez
- 2072. Susan Druckenbröd, Save Our Schools Member
- 2073. Aidaliz Cuevas
- 2074. Alicia Beachem
- 2075. Amy Rank
- 2076. Angelo Cerminara
- 2077. Ann Digiore
- 2078. Ashley Pagan
- 2079. Barbara Milloy
- 2080. Bob Giannone
- 2081. Brianna Morris
- 2082. Cari Hain
- 2083. Carrie Capozzi
- 2084. Cassandra Montague
- 2085. Corinne Barragato
- 2086. Danielle Reynolds
- 2087. David R. Bryan
- 2088. Debbie Haghighat
- 2089. Diane Burszan
- 2090. Elaine Barbieri
- 2091. Elizabeth S Pappas

- 2092. Erik Freifeld
- 2093. George Wozniak
- 2094. Jane Hough
- 2095. Jennifer Varelas
- 2096. Kari Jelliffe
- 2097. Kathryn Field
- 2098. Keith Byrd
- 2099. Kelly Slingerland
- 2100. Kevin Vega
- 2101. Kim Flurchick
- 2102. Kristen Sullivan
- 2103. Laura Bernacchi
- 2104. Lauren Worst
- 2105. Linda Bacon
- 2106. Lisa Ditchkus
- 2107. Lisa Simone
- 2108. Mary Rickards
- 2109. Mary Swann
- 2110. MaryAnn Mena
- 2111. Nina Lazar
- 2112. Rhonda Yabko
- 2113. Robin Rielly
- 2114. Ryan Cullinane

- 2115. Sabrina Hirleman
- 2116. Sheri Malenda
- 2117. Susan Falleni
- 2118. Theodore McKinney Jr
- 2119. Tim Campbell
- 2120. Trondell Dupree
- 2121. Valerie Spears
- 2122. Viola Haddad
- 2123. William Smerdon
- 2124. Nicole Glukstad-Alzamora

1. Comments Received During Initial Comment Period Giving Rise to Substantial Changes in Proposal upon Adoption

- 1. Comment:** The commenter expressed concern about the impact of the Appellate Division’s decision on December 31, 2018, that invalidated existing N.J.A.C. 6A:8-5.1(a)6, (f), and (g). The commenter asked how the court’s decision will affect the current rulemaking. **(1)**

Response: Please see the Summary of Agency-Initiated Changes below for the Department’s amendments related to the consent order. The Department’s notice of substantial changes upon adoption will align the high school graduation assessment rules to the Appellate Division ruling on December 31, 2018, and the resulting amended consent order. The new changes reflect the Department’s transition plan for high school assessments. The Department will continue to consult with the State Board of Education (State Board), legislators, stakeholders, parents, and students to develop and smoothly implement the next generation of the State assessment system.

The Department will use the grade nine and 10 State assessments in ELA and mathematics for State and Federal accountability purposes during the 2019-2020 school year. The Department will use the grade nine State assessments in ELA and mathematics for State and Federal accountability during the 2020-2021 school year. For clarity, Quality Single Accountability Continuum, or QSAC, is the State’s accountability system and Federal accountability is governed by the Every Student Succeeds Act, or ESSA.

- 2. Comment:** The commenter, who was a party that agreed to the consent order, made the following comments prior to the consent order’s development: The commenter stated the proposed amendments to the rules governing high school graduation testing

requirements, if adopted, would violate the Appellate Division’s ruling and, therefore, the State Board must withdraw the rulemaking. The commenter also stated the proposed amendments contain the same legal deficiencies as the graduation regulations invalidated in the court’s decision because the rules as proposed for amendment continue to contradict the State statute they purport to implement by designating assessments in ELA 10 and Algebra I as the primary graduation exams rather than an assessment administered to all 11th grade students. The commenter further stated the proposed amendments would continue to the use of substitute competency tests through the class of 2025 even though the Department previously claimed the tests would be used on a temporary basis and the fee-based tests violate the requirement of a free public education and the Law Against Discrimination. (2)

Response: Please see the Summary of Agency-Initiated Changes below for the Department’s changes upon adoption related to the consent order. The proposed changes reflect the Department’s transition plan for high school assessments. The Department will continue to consult with the State Board, legislators, stakeholders, parents, and students to develop and smoothly implement the next generation of the State assessment system.

- 3. Comment:** The commenter requested clarification regarding the proposed amendment at N.J.A.C. 6A:8-5.1(f) that would require district boards of education to provide students who have not demonstrated proficiency on the ELA 10 and Algebra I assessments with remediation and the opportunity to retake the applicable assessment if the student so chooses and with the opportunity to demonstrate such competence through one of the alternative means. The commenter asked if the Department intended to use “or” instead of “and” before “with the opportunity to demonstrate such competence through one of the alternative means.” The commenter stated alternative means become unnecessary if a student is able to demonstrate proficiency when an assessment is retaken. The commenter also asked how many opportunities students will be given to demonstrate proficiency. (1)

Response: To implement the consent order, the Department is not adopting the referenced proposed amendment at N.J.A.C. 6A:8-5.1(f). The Department is proposing new N.J.A.C. 6A:8-5.1(a)7 regarding the availability of remediation as a change upon adoption. Please see the Summary of Agency-Initiated Change 10.

- 4. Comment:** The commenter expressed concern for the proposed amendment at N.J.A.C. 6A:8-5.1(f) that would require a student who has not demonstrated proficiency on the ELA 10 and Algebra I assessments to be remediated and offered the opportunity to retake the assessments. The commenter stated that school districts could interpret the proposed amendment to mean that every student who fails a section of the PARCC assessment needs to take a one-size-fits-all remedial course, rather than tailoring remediation to a student’s individual needs. The commenter also stated that students could be denied other educational opportunities in lieu of the remedial course.

The commenter further requested that the Department provide guidance about how to support students in need of remediation and the various options beyond required courses to be taken during the school year if the regulations, as proposed for amendment, remain in effect. (3)

Response: The Department agrees that support for students who have not yet demonstrated proficiency on the graduation assessment requirements is most effective when tailored to the student’s needs. Since 2017, the Department has explained that such support does not have to be delivered through a “remedial course” (see for example, a Department memo from [August 8, 2017](#), providing multiple options for types of remediation support). The Department is providing educators with tools to improve data-driven decision making and aligned instruction. The Department also plans to develop guidance to help educators support students who do not demonstrate proficiency on grade nine State assessments or the State graduation proficiency test.

2. **Comments Received During Initial Comment Period Not Giving Rise to Changes in the Rule Proposal**

5. **Comment:** The commenters expressed support for the proposed amendments to N.J.A.C. 6A:8, Standards and Assessment, related to Statewide assessments for high school graduation. (10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 46, 47, 51, 52, 54, 56, 57, 59, 61, 64, 66, 68, 71, 73, 74, 76, 1153, 1247, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, and 1476)

Response: The Department thanks the commenters for the support.

6. **Comment:** The commenters expressed support for a reduction in the number of Statewide assessments because they negatively impact students and educators. (23, 44, 45, 47, 49, 51, 58, 63, 65, 67, and 1477)

Response: The Department thanks the commenters for the support.

7. **Comment:** The commenter expressed support for the proposed amendments to N.J.A.C. 6A:8 because existing regulations lead to the over-testing of students and do not align to State statute and Federal regulations, both of which require one assessment in English language arts (ELA) and mathematics during high school. The commenter stated the existing rules triple the number of State high school assessments that are required under State statute and Federal regulations. (1478)

Response: The Department thanks the commenter for the support.

8. **Comment:** The commenter expressed support for the changes to the State assessment system and graduation requirements because they represent a strong step in the right direction and will serve students well through this transitional time. (6)

Response: The Department thanks the commenter for the support.

9. **Comment:** The commenter supported the proposed amendments to extend the menu of alternative assessments accepted for graduation to additional graduating classes because the menu will address the needs of current students while making future State assessments stronger and fairer for the next generation. (58 and 68)

Response: The Department thanks the commenter for the support.

10. **Comment:** The commenter shared feedback collected from New Jersey students and educators on the effects of Statewide assessments. The feedback presented by the commenter indicated that students and educators understand the importance of Statewide assessments, prefer the Statewide assessments administered prior to PARCC, and think that PARCC does not properly serve New Jersey students. **(45)**

Response: The Department thanks the commenter for the input. The Department has received a variety of feedback regarding Statewide assessments from stakeholders across the State. During Phase 1 of assessment outreach the Department heard from 2,363 New Jersey residents across every county and received more than 3,200 suggestions for improvements to the Statewide assessment system. During Phase 2 of its assessment outreach, the Department met with 243 practitioners from 151 school districts across all 21 counties. During this outreach, the Department collected recommendations regarding how to enhance New Jersey's current Statewide assessment program. The Department will consider the feedback as work continues on the development of the next generation of Statewide assessments.

New Jersey's current Statewide assessments, the New Jersey Student Learning Assessment (NJSLA) (formerly Partnership for Assessment of Readiness for College and Careers (PARCC)) are intended to measure student proficiency on the New Jersey Student Learning Standards (NJSLS), whereas assessments prior to PARCC were designed to measure student proficiency on the New Jersey Core Curriculum Content Standards (NJCCCS). In comparison to the NJCCCS, the NJSLS represent a higher level of rigor and complex skills that provide all students with the foundation for success in their postsecondary opportunities.

11. **Comment:** The commenter stated that the State should provide alternative methods of achieving State and Federal requirements for graduation such as the Alternate High School Assessment or portfolio assessment. The commenter also stated that parents should have input into decisions regarding the methods of assessment used, but the ultimate authority to decide the methods must rest with district boards of education. The commenter further suggested methods of alternative assessments, including the SAT, Armed Services Vocational Aptitude Battery - Armed Forces Qualifying Test (ASVAB-AFQT), and Accuplacer. **(1153)**

Response: Under the Department's proposed rulemaking at adoption level (that is, the [amendments proposed in 2018](#) combined with the [amendments proposed in the two notices of substantial changes upon adoption](#)), students in the classes of 2019 through 2022 may meet the graduation assessment requirements through any of the following three ways: demonstrating proficiency on the NJSLA/PARCC ELA 10 or Algebra I assessments; meeting designated cut scores on a Commissioner-approved substitute competency test, such as the SAT, ASVAB-AFQT, and Accuplacer; or using the portfolio appeals process. Students in the classes of 2023 through 2025 will be required to take the State graduation proficiency test in grade 11. If students do not demonstrate proficiency on the test, they must be offered the opportunity for remediation and to retake

the State graduation proficiency test. Students who do not pass the State graduation proficiency test may use passing results from an assessment on the menu of substitute competency tests, or may avail themselves of the portfolio appeals process in grade 12.

- 12. Comment:** The commenter supported the proposed reduction in the number of State assessments and the retention of the ELA 9 and Algebra II State assessments because the corresponding courses are critical in a student’s educational trajectory. The commenter also stated that extending the time period to discuss the proposed amendments to Statewide assessments and graduation requirements is a great opportunity for the State Board to use stakeholder feedback to strengthen the proposal. The commenter further stated that the compromise proposal presented at the October 3, 2018, State Board meeting proves that New Jersey leaders can work together to establish a Statewide vision for all students to succeed in school and beyond. **(9)**

Response: The Department thanks the commenter for the support.

- 13. Comment:** The commenter expressed support for the reduction of the number of Statewide assessments being administered to high school students. The commenter questioned why ELA 9 and Geometry would be maintained as required assessments when the ELA 10 and Algebra I State assessments align with the State Board’s goals and are adequate to measure the progress of high school students. The commenter stated that continuing to require all four assessments would encourage students and parents to continue to “opt out” of taking the assessments. **(44)**

Response: Under the Department’s proposed rulemaking at adoption level, the State graduation proficiency test will be administered in 11th grade to align the rules with State statute. The State graduation proficiency test will be comprehensive and will align, at a minimum, to the NJSLs for ELA 10, Algebra I, and Geometry.

- 14. Comment:** The commenters expressed support for the proposed amendments, including the reduction in the number of State assessments and the extension of the multiple pathways to graduation. **(12 and 1477)**

Response: The Department thanks the commenters for the support.

- 15. Comment:** The commenters stated that too much time is taken away from educators and students due to Statewide assessment preparation and administration. **(23, 44, 49, 51, 52, 53, 54, 57, 58, 63, 64, 65, 66, 68, 73, 75, 76, 1477, and 1480)**

Response: Beginning with the spring 2019 administration, the Department shortened each Statewide assessment (grades three through eight and high school) by approximately 25 percent and reduced the number of required Statewide assessments in high school. The Department expects that reducing the number of hours students spend taking Statewide assessments will increase instructional time throughout the year and enable school districts to reallocate resources and to better support students’ academic needs.

- 16. Comment:** The commenter stated that district boards of education should be able to set local graduation requirements that complement State graduation requirement. The

commenter also stated that all students who meet district board of education and State requirements for graduation, including students with disabilities, bilingual students, and limited English proficient students, should be granted a State-endorsed diploma. **(1153)**

Response: School districts are required to establish graduation requirements that align with State law and N.J.A.C. 6A:8-5.1. As the Department works to continually improve its Statewide assessments, the Department remains committed to ensuring that students with diverse needs have assessments that provide actionable data that show student growth on the skills being assessed. During the Department’s assessment outreach and engagement, staff collected input from education stakeholders on critical questions regarding what types of high school graduation assessment requirements best inform students, educators, and school communities about whether students have mastered the skills and knowledge they need to advance beyond high school.

17. **Comment:** The commenter supported the reduction in the number of days dedicated to administering State assessments. The commenter also stated that the proposed amendments, including alternative pathways for students to fulfill graduation requirements, would help alleviate many of the issues caused by the PARCC assessments. **(13)**

Response: The Department thanks the commenter for the support.

18. **Comment:** The commenter stated that standardized assessment scores do not predict students’ future accomplishments and that many students with low standardized assessment scores succeed in college. **(46)**

Response: The Department remains committed to maintaining high expectations for all students, complying with Federal requirements, and, most importantly, considering the needs of all students. The Department maintains that Statewide assessments are a single component of the multiple measures that educators utilize to obtain comprehensive insight into students’ overall performance and achievement.

19. **Comment:** The commenter supported alternative pathways for graduation because PARCC should not be used to fulfill high school graduation requirements. **(1478)**

Response: The Department thanks the commenter for the support. The Department’s proposed rulemaking at adoption level will continue to provide students with multiple pathways to earn a high school diploma.

20. **Comment:** The commenter supported the reduction of Statewide assessments in high school from six to two for Federal and State accountability purposes, the shortening of the assessments by 25 percent, and the extension of the alternative assessments and portfolio appeal to classes beyond 2021. The commenter also stated the proposals will benefit English language learners (ELLs) and other students. **(50)**

Response: The Department thanks the commenter for the support.

21. **Comment:** The commenter stated that the focus and frequency of assessments, including practice tests and data-gathering assessments, have impacted the time students can spend on in-depth, research-driven, and project-based learning. The commenter also stated that the proposed amendments to the State assessment system will enable teachers to provide students the opportunity to delve more deeply into topics and have a more multi-dimensional educational experience. The commenter further stated the proposed amendments will allow educators to create space in the curriculum for projects that encourage critical thinking skills and collaborative work on information literacy projects, which will provide students with tools that they can use across their educational experience. **(1480)**

Response: By shortening each Statewide assessment (grades three through eight and high school) by 25 percent and reducing the number of required Statewide assessments in high school, the Department expects that school districts will continually reallocate resources to better support students' academic needs.

22. **Comment:** The commenter stated that reducing the number of required high school State assessments for the purposes of Federal and State accountability from six to two will provide an opportunity to further develop the academic and social-emotional supports that students need most. **(58)**

Response: The Department thanks the commenter for the input.

23. **Comment:** The commenters urged the State Board to shift the focus in classrooms from standardized assessments to creative learning and teaching. **(46 and 48)**

Response: By shortening each Statewide assessment (grades three through eight and high school) by 25 percent and reducing the number of required Statewide assessments in high school, the Department expects that school districts will continually reallocate resources to better support students' academic needs.

24. **Comment:** The commenter stated that students do not feel motivated to apply their best effort to all six of the current State high school assessments. The commenter further stated that many students opt out of the State assessments and, instead, work on SAT/ACT practice tests because the students do not see a purpose in taking State assessments that have no intrinsic value. **(6)**

Response: The Department has heard from educators and students across the State that student motivation is poorly aligned with State assessment graduation requirements. This sentiment has been voiced by not just advanced learners who lack the motivation to perform well on State assessments, but also students who struggle with tests, are new to the country, or have responsibilities at home. The Department has sought to address this issue by shortening each Statewide assessment (grades three through eight and high school) by 25 percent and reducing the number of required Statewide assessments in high school. The Department expects that reducing the number of hours students spend taking Statewide assessments will increase instructional time throughout the year and enable school districts to reallocate resources and to better support students' academic needs.

25. **Comment:** The commenter stated that students who do not pass the Algebra I and/or ELA 10 State assessments should be permitted to use passing scores on Geometry, Algebra II, ELA 9, and ELA 11 State assessments to meet the graduation requirements, as well as the other pathways to help with the transition to the new Statewide assessment system. (6)

Response: Under the Department’s proposed rulemaking at adoption level, and in accordance with an amended consent order approved by the New Jersey Superior Court, Appellate Division that stemmed from the Appellate Division’s decision on December 31, 2018, which invalidated existing N.J.A.C. 6A:8-5.1(a)6, (f), and (g), students in the classes of 2019 through 2022 may meet the graduation assessment requirements through any of the following three ways: demonstrating proficiency on the NJSLA/PARCC ELA 10 or Algebra I assessments, meeting designated cut scores on a Commissioner-approved substitute competency test, or using the portfolio appeals process. On April 7, 2020, Governor Murphy signed Executive Order (EO) 117 to address the continued threat of the novel coronavirus (COVID-19). EO 117 waived the graduation assessment requirement for any 12th-grade student who was expected to graduate in the class of 2020 but, as of March 18, 2020, had not yet met the graduation assessment requirement. On January 11, 2021, Governor Murphy signed [Executive Order 214](#), which waived the same provisions for any 12th grade student who was expected to graduate in the class of 2021. Students in the classes of 2023 through 2025 will be required to take the State graduation proficiency test in grade 11. If students do not demonstrate proficiency on the test, they must be offered the opportunity for remediation and to retake the State graduation proficiency test. Students who do not pass the State graduation proficiency test may use passing results from an assessment on the menu of substitute competency tests, or may avail themselves of the portfolio appeals process.

26. **Comment:** The commenter stated that students who passed Geometry and Algebra II State assessments but opted out of the Algebra I State assessment should be eligible to graduate without having to take the Algebra I assessment. (1481)

Response: Under the Department’s proposed rulemaking at adoption level and in accordance with the amended consent order approved by the Appellate Division, students in the classes of 2019 through 2022 may meet the graduation assessment requirements through any of the following three ways: demonstrating proficiency on the NJSLA/PARCC ELA 10 or Algebra I assessments, meeting designated cut scores on a Commissioner-approved substitute competency test, or using the portfolio appeals process. Students in the classes of 2023 through 2025 will be required to take the State graduation proficiency test in grade 11. If students do not demonstrate proficiency on the test, they must be offered the opportunity for remediation and to retake the State graduation proficiency test. Students who do not pass the State graduation proficiency test may use passing results from an assessment on the menu of substitute competency tests, or may avail themselves of the portfolio appeals process.

27. **Comment:** The commenter stated that Statewide assessments should yield useful data for students with disabilities regarding their challenges and growth, as well as the effectiveness of their academic programs. (1153)

Response: The Department is committed to continuing to administer standards-based Statewide assessments to help ensure that students are making progress toward learning objectives. As the Department transitions the current Statewide assessment program to the next generation Statewide assessment system, the Department remains committed to ensuring that students with disabilities have assessments that deliver actionable data and that the students are provided appropriate accommodations. Appropriate accommodations, which are identified in students' individualized education programs (IEPs) or 504 plans, provide students with the tools necessary to access Statewide assessments and demonstrate proficiency on them.

28. **Comment:** The commenter stated that summative assessments are important to determine student growth and learning, yet the Geometry and Algebra II PARCC assessments are so difficult that only gifted students can demonstrate true mastery of the subjects. The commenter also stated that students from socioeconomically diverse communities do not perform as well on assessments as students from more affluent communities and, therefore, assessments should be within reason and within students' circumstances. (11)

Response: The Department maintains that Statewide assessments, which are mandated by State and Federal law, are a valuable tool for understanding student performance in schools and school districts across the State. The Department is committed to considering best practices, research, and stakeholder input as it transitions from the current Statewide assessment program to the next generation of Statewide assessments, and the future assessments will continue to align to the NJSLs, while keeping diverse learners in mind.

The Department remains committed to maintaining high expectations for all students, complying with Federal requirements, and, most importantly, considering the needs of all students. New Jersey's Statewide assessments have undergone the federally mandated peer review process, which ensures that assessments are a reliable and valid measure of student performance. The Department notes important distinctions among assessment results that demonstrate significant academic gaps among different socioeconomic groups. While performance results may correlate with differences among subgroups, the Department maintains that all students, when provided the right resources and supports, can demonstrate academic achievement. The Department looks forward to collaborating with stakeholders to continually improve the data that is produced by Statewide assessments to provide as much information as possible regarding the strengths and needs of New Jersey's diverse student population.

29. **Comment:** The commenter stated that multi-day computer-based tests are very disruptive to the educational environment. (12 and 13)

Response: Throughout its assessment outreach, the Department heard from individuals both in favor of, and opposed to, computer-based assessments. The Department maintains that computer-based Statewide assessments provide for accessibility features and accommodations that are not possible for paper-based assessments. Therefore, computer-based assessments provide more students with access to the assessment content, which better allows the State to measure student proficiency on the NJSLs.

- 30. Comment:** The commenter stated that Statewide assessments are not fair to students who have limited access to technology. **(53)**

Response: When New Jersey first administered a computer-based assessment in 2015, 99.4 percent of students completed the assessment using a computer. The technology and infrastructure in school districts around the State have improved since 2015 and student accessibility to devices and technology has grown significantly. The public health emergency due to the COVID-19 pandemic has demanded an exponential increase in the need for student and educator access to technology, professional learning, and individual connectivity. Therefore, the public health emergency has served as an additional opportunity to ensure all students have equitable access to technology. On July 16, 2020, Governor Murphy unveiled a plan to equip students with the learning devices and internet connectivity needed to close the digital divide in areas of highest need. The plan leveraged \$10 million in Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act Elementary and Secondary School Emergency Relief funds, and up to \$44 million in Coronavirus Relief Fund (CRF) funds, for a total of \$54 million to support public schools; and an additional \$6 million in CRF funds for nonpublic schools. In the fall of 2020, the Department created a [website](#) to track the number of students who still needed a device and/or connectivity. The State’s overall goal has been to eradicate all outstanding needs; school district leaders have been working tirelessly throughout the State to do so. On [March 10, 2021](#), Governor Murphy and the Department announced that the digital divide has been closed, and that all public school districts report that every one of their students now has the technology needed to connect with their classroom online. The Department remains committed to ensuring that each and every student has access to technology-facilitated education.

Computer-based Statewide assessments allow for accessibility features and accommodations that are not possible on paper-based assessments and, therefore, provide more students with access to the assessment content. For that reason, the Department maintains that computer-based Statewide assessments are the better approach.

- 31. Comment:** The commenter stated that studies have shown that PARCC assessments have a less than 10 percent correlation with college readiness, meaning that 90 percent of students’ college readiness could not be predicted by PARCC. **(1478)**

Response: The Department appreciates the commenter’s input regarding Statewide assessments (formerly PARCC and currently NJSLA) and will consider the comment along with additional research as it transitions to the next generation of Statewide assessments.

- 32. Comment:** The commenter presented research regarding the impact of standardized assessments on student mental health and the use of standardized assessments for high-stakes purposes. The commenter stated the studies show that students are experiencing, on average, higher levels of stress and anxiety than today’s adult population. The commenter further stated that standardized assessment anxiety damages students’ psychological and emotional well-being, impedes social functioning, fosters negative

attitudes to learning, and creates adverse emotional reactions, such as loss of student self-worth. (5)

Response: The Department places the well-being of New Jersey’s students at the forefront of its considerations. During Phase 1 of assessment outreach the Department heard about how its policies shaped student experiences across the State. In consideration of this feedback, the Department identified the reduction in testing as one way to be responsive. In 2019, the Department shortened each Statewide assessment (grades three through eight and high school) by approximately 25 percent. The Department remains committed to ensuring that policies are crafted in the best interests of students.

33. **Comment:** In the student and educator feedback presented by the commenter, students and educators stated that the PARCC assessments were too long, interfered with classroom learning time, and took time away from extracurricular activities. (45)

Response: The Department has sought to address this issue and shortened each Statewide assessment (grades three through eight and high school) by approximately 25 percent, beginning with the spring 2019 administration and has reduced the number of required Statewide assessments in high school.

34. **Comment:** The student and educator feedback presented by the commenter indicated that the PARCC assessments harmed student and educator self-esteem and focused on passing the assessments instead of preparing students for life. The student and educator feedback also indicated that students feel the pressure of Statewide assessments as early as kindergarten due to test “preparation” in the younger, non-tested grades. (45)

Response: Throughout Phase 1 and 2 of assessment outreach and the development of the Department’s proposed rulemaking at adoption level, the Department has collected recommendations to consider as it enhances Statewide assessments. The Department remains committed to improving policy implementation and minimizing negative unintended consequences.

35. **Comment:** The student and educator feedback presented by the commenter also stated that Statewide assessments do not include enough accommodations for students with disabilities, are culturally biased, and have technological issues such as electronic calculator glitches and students not being familiar with the assessment software. (45)

Response: The Statewide assessments are a single component of the multiple measures that educators utilize to obtain comprehensive insight into students’ overall performance and achievement. The Statewide assessment program is designed to incorporate the maximum number of accommodations that are appropriate for a student to utilize during a Statewide assessment and that do not negatively impact the accurate measurement of performance. Accommodations on an assessment are intended to facilitate access to the content for students who require them. New Jersey educators are part of the bias and sensitivity review process that the Department coordinates as a standard operating procedure for all State assessments in accordance with best practices in large-scale assessments. Please also see the response to Comment 30.

36. **Comment:** The student and educator feedback further indicated that State assessment results are not provided to parents and students in time to address areas in which a student needs additional support. (45)

Response: Current State assessments are designed to be administered when approximately 80 percent of instruction has been completed for the school year; this metric determines the assessment administration window and the timeline for the release of results. NJSLA results are meant to provide summative information that can be used to inform decisions regarding curriculum and instruction within school districts. NJSLA results are not meant to be a formative or diagnostic assessment and, therefore, the results are provided to school districts on a rolling basis over the summer. The Department will continue to work with educators and to collect ongoing feedback to ensure the Statewide assessments are administered in a manner that is most conducive to student learning needs, responsive to educator feedback, and compliant with State and Federal law.

37. **Comment:** The student feedback presented by the commenter stated that Statewide assessments are viewed as practice for other standardized assessments. The student feedback further stated that many questions on the Statewide assessments are confusing, taking many assessments in one week can be stressful, and physical discomfort has resulted from students staring at computer screens for long hours each day during the Statewide assessments. (45)

Response: The Department maintains that Statewide assessments, which are mandated by State and Federal law, are a valuable tool for understanding student performance in schools and school districts across the State. Nevertheless, Statewide assessments are a single component of the multiple measures that educators utilize to obtain comprehensive insight into students' overall performance and achievement. The Department is committed to considering best practices, research, and stakeholder input as it continually improves the Statewide assessments.

38. **Comment:** The commenters stated that PARCC assessments do not accurately measure student performance and growth. (61, 62, 1482, 1483, 1484, 1485, and 1486)

Response: New Jersey's Statewide assessments have undergone the federally required peer-review process, which ensures that assessments are a reliable and valid measure of student performance related to NJSLA. Statewide assessments are a single component of the multiple measures that educators utilize to obtain comprehensive and comparable insight into students' overall performance and achievement.

39. **Comment:** The commenter stated that students should not need to pass a Statewide assessment to graduate. (62)

Response: The Statewide graduation proficiency test requirement is governed by State statute.

40. **Comment:** The commenter stated that the current Statewide assessments do not make educators better at their profession. (61)

Response: The Department maintains that Statewide assessments, which are mandated by State and Federal law, are a valuable tool for understanding student performance in schools and school districts across the State. Statewide assessments are a single component of the multiple measures that educators utilize to obtain comprehensive insight into students' overall performance and achievement.

41. **Comment:** The commenter stated that it has been known for more than 50 years that standardized testing is a poor measure of student achievement. The commenter also stated that research shows that standardized assessments utilize poor science and have unvalidated scores. The commenter further stated that the Department's selection of PARCC as the Statewide assessments ignored stakeholders who were against PARCC. The commenter also stated that adjustments made to PARCC did not result in any improvement. The commenter further stated that many parents disregarded their children's PARCC scores because context for the scores was not provided. The commenter stated that PARCC, like all standardized tests, has an inherent bias and lacks actionable information. The commenter further stated that the State's movement away from PARCC will enable assessments to measure tangible standards of excellence and students' best capabilities. (8)

Response: New Jersey's Statewide assessments have undergone the federally required peer-review process, which ensures that assessments are a reliable and valid measure of student performance related to the NJSLs. Statewide assessments are a single component of the multiple measures that educators utilize to obtain comprehensive and comparable insight into students' overall performance and achievement. In addition, New Jersey educators are part of the bias and sensitivity review process that the Department coordinates as a standard operating procedure for all State assessments in accordance with best practices in large-scale assessments.

The Every Student Succeeds Act (ESSA) mandates that states administer to all students annually statewide assessments aligned to states' academic content standards in reading/language arts and mathematics in grades three through eight and once in high school. ESSA also requires science assessments once in each grade span (grades three to five, six to nine, and 10 to 12) for all students, and annual English language proficiency assessments in kindergarten through grade 12 for all English learners. ESSA specifically requires states to administer the same assessment system for all students.

Throughout its 2018 and 2019 targeted stakeholder assessment outreach, the Department collected recommendations to consider as it enhances Statewide assessments. The Department remains committed to improving policy implementation and minimizing negative unintended consequences.

42. **Comment:** The commenter expressed support for the use of standardized assessments to measure academic growth and predict future student success but cautioned that standardized assessments should not be the only predictor used. (52)

Response: Statewide assessments are a single component of the multiple measures that educators utilize to obtain comprehensive insight into students' overall performance and

achievement in relation to the NJSLs. The Department uses Statewide assessments and other measures to identify through New Jersey Quality Single Accountability Continuum (NJQSAC) which schools and school districts require the most support and resources. The Department also utilizes growth measures to identify high achieving school districts throughout the State.

43. **Comment:** The commenter stated that any method used to assess whether students have met State and Federal standards must be reliable and accurate, measure appropriate skills and challenges, and provide information that is useful in identifying areas in need of remediation. (1153)

Response: The Department agrees with the commenter. New Jersey's Statewide assessments have undergone the federally required peer-review process, which ensures that assessments are a reliable and valid measure of student performance related to NJSLs. Statewide assessments are only one component of the multiple measures that educators utilize to obtain comprehensive and comparable insight into students' overall performance and achievement.

44. **Comment:** The commenter stated that Statewide assessments are flawed and, therefore, are not worth the amount of money and time required of New Jersey taxpayers, teachers, and students. The commenter also stated that New Jersey educators had high standards for their students before PARCC was utilized as the Statewide assessment and will continue to do so no matter the type of standardized assessment administered. (67)

Response: New Jersey's Statewide assessments have undergone the federally required peer-review process, which ensures that assessments are a reliable and valid measure of student performance related to NJSLs. The Department maintains that Statewide assessments are single component of the multiple measures that educators utilize to obtain comprehensive insight into students' overall performance and achievement. The Department uses Statewide assessments and other measures to identify through NJQSAC which schools and school districts require the most support and resources.

45. **Comment:** The commenter stated that PARCC assessments had many grading and reporting errors that should be considered. The commenter also stated that PARCC assessments should not be used to make high-stakes decisions. (1478)

Response: The Department implements rigorous quality control measures to ensure that results from Statewide assessments are produced with fidelity; provide accurate information to students, educators, and communities; and can be used as one of multiple measures to evaluate student achievement.

46. **Comment:** The commenters stated that the PARCC assessments wasted student, teacher, and administrative resources. (1160, 1484, and 1485)

Response: ESSA mandates that states administer to all students annually statewide assessments aligned to states' academic content standards in reading/language arts and mathematics in grades three through eight and once in high school. ESSA also requires science assessments once in each grade span (grades three to five, six to nine, and 10 to

12) for all students, and annual English language proficiency assessments in kindergarten through grade 12 for all English learners. ESSA specifically requires states to administer the same assessment system for all students. The Department has sought to address the concern over resources and shortened each Statewide assessment (grades three through eight and high school) by approximately 25 percent, beginning with the spring 2019 administration and has reduced the number of required Statewide assessments in high school.

47. **Comment:** The commenter expressed disapproval of the current Statewide assessment system because non-ELA and non-mathematics classes are consumed by practice assessments and the overall focus on State assessment administration and scores. The commenter also stated that State assessments should be administered in a single day without the need for test preparation. **(55)**

Response: Beginning with the spring 2019 administration, the Department shortened each Statewide assessment (grades three through eight and high school) by approximately 25 percent and reduced the number of required Statewide assessments in high school. The Department expects that reducing the number of hours students spend taking Statewide assessments will increase instructional time throughout the year and enable school districts to reallocate resources and to better support students' academic needs. The Department is committed to providing guidance and support to school districts to ensure that the Statewide assessments are implemented with an effective and resourceful approach.

48. **Comment:** The commenter stated that many of the questions on Statewide assessments require subjective answers, which the commenter stated creates an unfair grading procedure. **(56)**

Response: New Jersey's Statewide assessments have undergone the federally required peer-review process, which ensures that assessments are a reliable and valid measure of student performance related to the NJSLs. New Jersey educators and Department content specialists are involved during the scoring process to ensure that responses are scored in accordance with content area-specific rubrics.

49. **Comment:** The commenter stated that the current Statewide assessments weigh too heavily on educators who cannot control how factors outside of the classroom affect students on testing days. **(57)**

Response: The Department maintains that Statewide assessments are a valuable tool for understanding student performance in schools and school districts across the State. Statewide assessments also are a single component of the multiple measures that educators utilize to obtain comprehensive insight into students' overall performance and achievement. Starting in the 2018-2019 school year, median student growth percentiles (mSGP) from State assessments were lowered from 30 percent to 5 percent of each qualifying teacher's evaluation. For the 2019-2020 and 2020-2021 school years, the use of mSGPs in the educator evaluation system under N.J.A.C. 6A:10 was waived via

Executive Orders [175](#) and [214](#), respectively, as a result of the COVID-19 State of Emergency.

- 50. Comment:** The commenter stated that it is disruptive for students to discover as sophomores that they might not graduate because of a score on the PARCC mathematics assessment despite their grade in the corresponding class. **(12)**

Response: Under the Department’s proposed rulemaking at adoption level, and in accordance with the amended consent order approved by the Appellate Division, students in the classes of 2019 through 2022 may meet the graduation assessment requirements through any of the following three ways: demonstrating proficiency on the NJSLA/PARCC ELA 10 or Algebra I assessments, meeting designated cut scores on a Commissioner-approved substitute competency test, or using the portfolio appeals process. Students in the classes of 2023 through 2025 will be required to take the State graduation proficiency test in grade 11. If students do not demonstrate proficiency on the test, they must be offered the opportunity for remediation and to retake the State graduation proficiency test. Students who do not pass the State graduation proficiency test may use passing results from an assessment on the menu of substitute competency tests, or may avail themselves of the portfolio appeals process in grade 12.

- 51. Comment:** The commenter stated that schools should allow educators to teach students without rigid guidelines and to adapt lessons to how each student learns best. **(53)**

Response: The State Board of Education adopts academic standards, while school districts are responsible for determining the curriculum and instruction that supports students in meeting the academic standards (that is, the NJSLs). The Department expects that the proposed rulemaking at adoption level will enable school districts to reallocate resources and to better support students’ academic needs.

- 52. Comment:** The commenter stated that the current Statewide assessments waste instructional time that could be better spent teaching life skills that will help students expand their knowledge. **(60)**

Response: Beginning with the spring 2019 administration, the Department shortened each Statewide assessment (grades three through eight and high school) by approximately 25 percent and reduced the number of required Statewide assessments in high school. The Department also expects that reducing the number of hours students spend taking Statewide assessments will increase instructional time throughout the year and enable school districts to reallocate resources and to better support students’ academic needs.

- 53. Comment:** The commenter stated that the current Statewide assessments create an unfair prejudice against non-college-bound students. **(63)**

Response: Beginning with the spring 2019 administration, the Department shortened each Statewide assessment (grades three through eight and high school) by approximately 25 percent and reduced the number of required Statewide assessments in high school. As required by ESSA, the NJSLA serve as one tool to monitor a students’ progress toward the State standards (NJSLs) in mathematics, ELA, and science. The Department also

expects that reducing the number of hours students spend taking Statewide assessments will enable school districts to reallocate resources and to better support students' academic needs.

- 54. Comment:** The commenter stated that the Statewide assessments do not accommodate multiple types of learners and should be eliminated completely. **(64)**

Response: Universal design is a foundational aspect of assessment development. The purpose of universally designed assessments is to provide access for the greatest number of students during assessment, and to minimize the need for individualized design or accommodations. Universal design acknowledges differences exist among individuals and that a range of methods and materials are needed to measure learning and for accurate assessment to occur.

ESSA mandates that states annually administer to all students statewide assessments aligned to states' academic content standards in reading/language arts and mathematics in grades three through eight and once in high school. ESSA also requires science assessments once in each grade span (grades three to five, six to nine, and 10 to 12) for all students, and annual English language proficiency assessments in kindergarten through grade 12 for all English learners. The Department remains committed to maintaining high expectations for all students, complying with Federal requirements, and, most importantly, considering the needs of all students. The Department maintains that Statewide assessments are a single component of the multiple measures that educators utilize to obtain comprehensive insight into students' overall performance and achievement.

- 55. Comment:** The commenter stated that technology devices are taken away from educators and students to administer Statewide assessments. **(65)**

Response: The technology and infrastructure in school districts around the State have improved since 2015 and student accessibility to devices and technology has grown significantly. The public health emergency due to the COVID-19 pandemic has demanded an exponential increase in the need for student and educator access to technology, professional learning, and individual connectivity. Therefore, the public health emergency has served as an additional opportunity to ensure all students have equitable access to technology. On July 16, 2020, Governor Murphy unveiled a plan to equip students with the learning devices and internet connectivity needed to close the digital divide in areas of highest need. The plan leveraged \$10 million in Federal CARES Act Elementary and Secondary School Emergency Relief funds, and up to \$44 million in CRF funds, for a total of \$54 million to support public schools; and an additional \$6 million in CRF funds for nonpublic schools. In the fall of 2020, the Department created a website to track the number of students who still needed a device and/or connectivity. The State's overall goal has been to eradicate all outstanding needs; school district leaders have been working tirelessly throughout the State to do so. On [March 10, 2021](#), Governor Murphy and the Department announced that the digital divide has been closed, and that all public school districts report that every one of their students now has the technology needed to connect with their classroom online. The Department remains

committed to ensuring each and every student has access to technology-facilitated education.

- 56. Comment:** The commenter stated that students with disabilities who are below grade level in reading struggle with the current Statewide assessments, which the commenter stated do not accurately measure the students' performance. **(66)**

Response: During its targeted assessment outreach in 2018 and 2019, the Department received positive feedback regarding the assessment system's alignment to the NJSLs. The Department is committed to continuing to administer standards-based Statewide assessments to help ensure that students are making progress toward learning objectives. The Department remains committed to ensuring that students with disabilities have assessments that deliver actionable data and that the students are provided the appropriate accommodations. Appropriate accommodations, which are identified in students' IEPs and 504 plans, provide students with the tools necessary to access Statewide assessments and demonstrate proficiency on them.

The Statewide assessment program is designed to incorporate the maximum number of accommodations that are appropriate for a student to utilize during a Statewide assessment and that do not negatively impact the accurate measurement of performance. Accommodations on an assessment are intended to facilitate access to the content for students who require them.

- 57. Comment:** The commenter also stated that teachers should not be made to feel like they have failed if all of their students do not excel on Statewide assessments. **(59)**

Response: The Department maintains that Statewide assessments, which are mandated by State and Federal law, are a valuable tool for understanding student performance in schools and school districts across the State. Nevertheless, Statewide assessments are a single component of the multiple measures that educators utilize to obtain comprehensive insight into students' overall performance and achievement. To reduce the emphasis on such results, starting in the 2018-2019 school year, median student growth percentiles (mSGP) from State assessments were lowered from 30 percent to 5 percent of each qualifying teacher's evaluation. The Department is committed to providing supports to assist educators in implementing the NJSLs and supporting students' mastery of the NJSLs. Such support will help students demonstrate higher levels of proficiency on the NJSLA in ELA, mathematics, and science.

- 58. Comment:** The commenter cited research that indicated year-to-year improvement on standardized assessments is a temporary fluctuation and not indicative of long-term changes in learning. The commenter stated that it is difficult for standardized assessments to measure creativity, motivation, persistence, leadership, and civil-mindedness in students. **(44)**

Response: ESSA mandates that states administer to all students annually statewide assessments aligned to states' academic content standards in reading/language arts and mathematics in grades three through eight and once in high school. ESSA also requires

science assessments once in each grade span (grades three to five, six to nine, and 10 to 12) for all students, and annual English language proficiency assessments in kindergarten through grade 12 for all English learners. New Jersey's Statewide assessments are intended to measure student performance on the NJSLs in ELA, mathematics, and science.

- 59. Comment:** The commenter stated that the current Statewide assessments are not improving education and are cumbersome for students. **(69)**

Response: The Department remains committed to maintaining high expectations for all students, complying with Federal requirements, and, most importantly, considering the needs of all students. The Department maintains that Statewide assessments are a valuable tool for educators, students, and families. Nevertheless, Statewide assessments are single component of the multiple measures that educators utilize to obtain comprehensive insight into students' overall performance and achievement. The Department will continue to work with educators and to collect feedback to ensure the Statewide assessments are administered in a manner that is most conducive to student learning needs, responsive to educator feedback, and compliant with State and Federal law.

- 60. Comment:** The commenters stated that the emphasis on standardized testing leads to a narrowing of subject matter covered during the school year. **(59 and 1478)**

Response: State and Federal law require testing in ELA, mathematics, and science. However, the NJSLs address [nine content areas](#) and school districts are required to develop and align curricula to all areas of the NJSLs. School districts control local schedules and instructional decisions. In 2019, the Department reduced Statewide assessment time to help school districts to reallocate resources to better support students' academic needs. The Department remains committed to maintaining high expectations for all students, complying with Federal requirements, and, most importantly, considering the needs of all students in a variety of subject areas.

- 61. Comment:** The commenter expressed opposition to the proposed amendments because the PARCC assessments are an effective way of preparing students for higher education. The commenter stated that eliminating PARCC will result in students not being prepared to handle greater academic challenges. **(1487)**

Response: The Department maintains that Statewide assessments measure student knowledge of the NJSLs. The Department is committed to providing supports to assist educators in implementing the NJSLs and supporting students' mastery of the NJSLs. Such support will help students demonstrate higher levels of proficiency on the NJSLA in ELA, mathematics, and science.

- 62. Comment:** The commenters stated that Statewide assessments should not be a factor in teacher evaluations. **(55, 61, and 62)**

Response: Educator evaluations, including the requirement to include Statewide assessment results, are governed by State statute (N.J.S.A. 18A:6-123) and N.J.A.C. 6A:10. See response to Comment 49 for additional information.

- 63. Comment:** The commenter stated that no study has shown any correlation between PARCC assessments and teacher effectiveness. **(1478)**

Response: Educator evaluations are governed by State statute (N.J.S.A. 18A:6-123) and N.J.A.C. 6A:10, rather than N.J.A.C. 6A:8. The evaluation of the effectiveness of the rules N.J.A.C. 6A:10 is outside the scope of the current rulemaking. See also response to Comment 49 above.

- 64. Comment:** The commenters requested that PARCC assessments not be used in teacher evaluations and stated the State should consider more broad and accurate ways of measuring student growth. **(69, 1482, and 1483)**

Response: The comment is outside the scope of the current rulemaking. Educator evaluations are governed by N.J.A.C. 6A:10 rather than N.J.A.C. 6A:8.

- 65. Comment:** The commenter stated that Statewide assessments should not constitute a large weight in teacher evaluations, which the commenter stated negatively affects proficient teaching practices. **(67)**

Response: Educator evaluations are governed by State statute and by N.J.A.C. 6A:10 rather than N.J.A.C. 6A:8. See the response to Comment 49 for more information.

- 66. Comment:** The commenter suggested the State Board re-evaluate the use of State assessment results in teacher and administrator evaluations, stating that current research suggests the use of assessment results in evaluations is an unfair practice that misrepresents the work of educators. **(1479)**

Response: Educator evaluations are governed by State statute and by N.J.A.C. 6A:10 rather than N.J.A.C. 6A:8. Therefore, the evaluation of the effectiveness of these rules is outside the scope of the current rulemaking

- 67. Comment:** The commenter asked when the proposed amendments will be voted on and take effect. **(78)**

Response: If the State Board adopts the Department's proposed rulemaking at adoption level, the proposed amendments will take effect approximately one month later when the notice of adoption is published in the New Jersey Register.

- 68. Comment:** The commenter expressed support for the proposed amendments that would extend the availability of the substitute competency tests to the class of 2021. **(70)**

Response: The Department thanks the commenter for the support.

69. **Comment:** The commenter urged the State Board to change the Statewide assessment cut scores because many students in the class of 2021 have not met the required cut score for the Algebra I assessment and must retake it multiple times despite passing the Geometry and/or Algebra II State assessments. The commenter stated that Statewide assessments place too much pressure on students and that students who repeatedly fail the assessments feel discouraged and embarrassed. (70)

Response: Under the Department’s proposed rulemaking at adoption level, and in accordance with the amended consent order approved by the Appellate Division, students in the classes of 2019 through 2022 may meet the graduation assessment requirements through any of the following three ways: demonstrating proficiency on the NJSLA/PARCC ELA 10 or Algebra I assessments, meeting designated cut scores on a Commissioner-approved substitute competency test, such as the NJSLA-Geometry or NJSLA-Algebra II, or using the portfolio appeals process.

70. **Comment:** The commenter stated that administering more assessments in high school than required by Federal law is unnecessary. (73)

Response: Beginning with the spring 2019 administration, the Department reduced the number of required Statewide assessments in high school. Furthermore, the Department’s proposal aligns to Federal and State law and continues to enable the Department to use assessments as one important metric to ensure the State is identifying and supporting the schools and school districts that need assistance the most.

71. **Comment:** The commenter questioned how students will be assessed in mathematics in grades nine and 10 if they take Algebra I and Geometry while in middle school and are administered only one Statewide assessment (Algebra II) in high school. The commenter also stated that the lack of Statewide assessments in mathematics for high-achieving high school students will erroneously reflect lower student and school scores since the most gifted students will not be included in the results from Statewide assessments. (6)

Response: Federal accountability requirements related to Statewide assessments were waived in 2020 and for spring 2021. For State and Federal accountability related to Statewide assessments moving forward, the Department plans to use each student’s grade nine end-of-course NJSLA in mathematics in high school. Students who completed all three high school mathematics courses in middle school must take a more-advanced mathematics assessment in high school, such as SAT, ACT, Advanced Placement (AP) Calculus, AP Statistics, or International Baccalaureate® (IB) Mathematics. Also during the 2021-2022 school year, the Department will administer to students in grade 11 the State graduation proficiency test, which will be aligned to the NJSLA in ELA 10, Algebra I, and Geometry for the purposes of meeting State graduation assessment requirements.

The Department administers end-of-course mathematics assessments to students who take Algebra I, Geometry, and Algebra II. With regard to school accountability, students who take the courses in middle school are accounted for in the results from the respective end-of-course assessments.

72. **Comment:** The commenter asked for confirmation that, under the proposed amendments, students who take both Geometry and Algebra II in 10th grade will be expected to take only the Algebra II State assessment, which is the current practice. The commenter also stated students who double up on Algebra I and Geometry are also in a similar situation, but logic would dictate they take the Algebra I State assessment since it is a graduation requirement. (1488)

Response: Students in grade nine who take both Algebra I and Geometry courses will take the Algebra I assessment, and students who take both Geometry and Algebra II courses take the Algebra II assessment. Federal accountability requirements related to Statewide assessments were waived in 2020 and for spring 2021. For State and Federal accountability related to Statewide assessments moving forward, the Department plans to use the State assessments in ELA and mathematics in grade nine or at least one high school end-of-course assessment in each subject. Also during the 2021-2022 school year, the Department will administer to students in grade 11 the State graduation proficiency test, which will be aligned to the NJSLs of ELA 10, Algebra I, and Geometry for the purposes of meeting State graduation assessment requirements.

73. **Comment:** The commenters expressed support for the proposed amendments to N.J.A.C. 6A:8, especially those affecting ELLs. The commenters stated the proposed amendments promote equitable access to educational opportunities for ELLs, which ultimately benefits all students. (50, 668, 788, 1489, 1490, 1492, 1493, 1494, 1495, 1496, 1497, 1498, and 1499)

Response: The Department thanks the commenters for the support.

74. **Comment:** The commenter expressed support for the proposed amendments that affect ELLs. The commenter stated that many ELLs felt discouraged and frustrated by the PARCC assessments because receiving low scores did not reflect their progress in English language acquisition. The commenter also stated that the proposed amendments will allow ELLs to see a clear pathway to success and to a post-graduate education while using their native language as a bridge during their high school careers. (59)

Response: The Department thanks the commenter for the support.

75. **Comment:** The commenter expressed support for the proposed amendments at N.J.A.C. 6A:8-4.1(d)1ii, which will allow district boards of education to substitute a Department-approved language proficiency test for the English language arts component of the Statewide assessment at all tested grade levels when a first-year ELL has entered the United States after June 1 of the calendar year prior to the test administration rather than July 1, because the proposed amendments will align the rule with New Jersey's ESSA State Plan. The commenter also expressed support for proposed N.J.A.C. 6A:8-4.1(d)1ii(1), which will exempt first-year ELLs who substitute a Department-approved English language proficiency test for the State ELA 10 assessment from the State ELA 10 assessment, because it will ensure that ELLs who use this option afforded under ESSA will be able to meet the graduation assessment requirements. (74)

Response: The Department thanks the commenter for the support of the proposed amendments at N.J.A.C. 6A:8-4.1(d)1ii. The Department proposed in the notice of substantial changes upon adoption to delete proposed new N.J.A.C. 6A:8-4.1(d)1ii(1) because the “State ELA 10 assessment” will no longer be administered.

76. The commenter expressed support for proposed N.J.A.C. 6A:8-4.1(d)3iii, which will require the Department to implement an approved English language proficiency assessment to measure the progress in English language proficiency of ELLs who have been determined eligible by the IEP team for an alternative Department-approved English language proficiency assessment for students with disabilities, because it will align the rules with New Jersey’s ESSA State Plan. (74)

Response: The Department thanks the commenter for the support.

77. **Comment:** The commenter sought clarification regarding the proposed amendments at N.J.A.C. 6A:8-4.1(d)1. The commenter asked where the “appropriate accommodations” will be specified for ELLs because they do not have an IEP or 504 plan. (74)

Response: The appropriate accommodations for ELLs are specified at N.J.A.C. 6A:8-4.1(d)1i and ii. The regulations state that district boards of education may administer the Statewide assessment in mathematics to ELLs in their native language, when available, and administer to first-year ELLs a substitute a language proficiency assessment for the ELA portion of the Statewide assessment.

78. **Comment:** The commenter urged the Department to develop and sustain a long-term Statewide assessment policy because students do not know what graduation requirements apply to them because the State assessment requirements change so often. The commenter encouraged the State to continue to offer the SAT, Accuplacer, and ASVAB-AFQT as State graduation assessments because they offer tangible benefits for students, which can act as an incentive for students to graduate. (75)

Response: Under the Department’s proposed rulemaking at adoption level, and in accordance with the amended consent order approved by the Appellate Division, students in the classes of 2019 through 2022 may meet the graduation assessment requirements through any of the following three ways: demonstrating proficiency on the NJSLA/PARCC ELA 10 or Algebra I assessments, meeting designated cut scores on a Commissioner-approved substitute competency test, or using the portfolio appeals process. Students in the classes of 2023 through 2025 will be required to take the State graduation proficiency test in grade 11. If students do not demonstrate proficiency on the test, they must be offered the opportunity for remediation and to retake the State graduation proficiency test. Students who do not pass the State graduation proficiency test may use passing results from an assessment on the menu of substitute competency tests, or may avail themselves of the portfolio appeals process in grade 12.

79. **Comment:** The commenter urged the State Board to consider shifting away from the practice of standardization of curriculum and instruction for the purpose of increasing test scores and toward provision of enriching opportunities for students. (1479)

Response: The State Board adopts academic standards, while school districts are responsible for determining the curriculum and instruction that supports students in meeting those academic standards (that is, the NJSLs). The Department expects that reducing the number of hours students spend taking Statewide assessments will increase instructional time throughout the year and enable school districts to reallocate resources and to better support students' academic needs.

- 80. Comment:** The commenter suggested that the Department shift the testing window for State assessments to earlier in the school year. The commenter stated a shift would allow teachers to receive assessment scores during the same school year the assessments are administered so the results could be used to frame instruction, which is not possible with the current testing window. **(1479)**

Response: The Department thanks the commenter for the input. Current State assessments are designed to be administered when approximately 80 percent of instruction has been completed for the school year; this metric determines the assessment administration window. With this timing, State assessment results can inform curricular decisions, resources, and promote conversations about the strengths and weaknesses of grade- and school-level instruction for the following school year. The Department will consider the comment as it transitions current Statewide assessment program to the next generation of Statewide assessments.

- 81. Comment:** The commenter suggested that the Department consider research that indicates out-of-school factors like socioeconomic status, family background, and geography are predictive of Statewide assessment results. Based on the predictability, the commenter suggested the Department not consider Statewide assessment results when determining the effectiveness of students, teachers, or school districts. The commenter also suggested the Department not publicly report Statewide assessment results as to eliminate the pressure that teachers and administrators feel in relation to Statewide assessments. **(1500)**

Response: The Department remains committed to maintaining high expectations for all students, complying with Federal requirements, and, most importantly, considering the needs of all students. The Department maintains that State assessments are a valuable tool for educators, students, and families in understanding student learning and performance, but not the only tool. The Department agrees with the importance of looking beyond overall averages of proficiency and of closely reviewing the performance of all students and individual subgroups. However, ESSA and [New Jersey's State ESSA Plan](#) require the Department to report on and to utilize State assessments and other metrics, such as academic growth, graduation rates, chronic absenteeism rates, and ELLs' progress toward English proficiency to identify which schools need comprehensive and targeted support.

- 82. Comment:** The commenter stated that State law only mandates that Statewide assessments are completed but does not specify what assessments the State must administer. The commenter stated that the State does not need to administer the same test to all schools. The commenter suggested that the Department consider the development

and marketing of several different standardized assessments to allow communities to make decisions based on their unique circumstances. (1500)

Response: The Department thanks the commenter for the input. ESSA mandates that states administer the same peer reviewed assessments to all students in grades three through eight and once in high school. The Department is exploring all flexibilities afforded by ESSA and will continue to seek stakeholder input during the transition from the current Statewide assessment program to the next generation of Statewide assessments.

83. **Comment:** The commenter stated that the true purpose of Statewide assessments is to show growth and to demonstrate learning. The commenter suggested that the Department consider developing alternative methods for school districts to measure and report student growth and achievement. The commenter also suggested that the Department allow school districts to submit, on behalf of students, portfolios that demonstrate an individual student's growth, as a portfolio of student work would promote active monitoring of student growth and would address each student as an individual. (1500)

Response: The Department thanks the commenter for the input. ESSA mandates that states administer to all students annually statewide assessments aligned to states' academic content standards in reading/language arts and mathematics in grades three through eight and once in high school. ESSA also requires science assessments once in each grade span (grades three to five, six to nine, and 10 to 12) for all students, and annual English language proficiency assessments in kindergarten through grade 12 for all English learners. ESSA specifically requires states to administer the same assessment system to all students.

84. **Comment:** The commenter suggested the Department consider developing a Statewide assessment system that promotes critical thinking and problem solving, which would shift the majority of questions from multiple choice to open ended responses. (1500)

Response: The Department collected information and input regarding substantive recommendations for consideration to inform the development of the next generation of Statewide assessments and to build on the foundation of critical thinking and problem solving currently implemented in New Jersey's Statewide assessment program. The Department will consider as the suggestion as it transitions from the current Statewide assessment program to the next generation of Statewide assessments.

85. **Comment:** The commenter stated that district boards of education and the communities that they represent need ample notice to implement the changes that result from the proposed amendments and to assess their fiscal and programmatic impacts. The commenter also asked if the proposed amendments will have a negative fiscal impact on district boards of education. (1)

Response: The Department agrees that notice to stakeholders regarding any changes to New Jersey Administrative Code that impact the administration of the Statewide assessment program must be clearly communicated in a timely manner. The Department

will communicate information regarding the outcome of the State Board’s vote regarding the Department’s proposed rulemaking at adoption level. The Department does not expect that a significant negative financial impact on district boards of education will result from the Department’s proposed rulemaking at adoption level.

- 86. Comment:** The commenter recommended that a definition for “district board of education” be added at N.J.A.C. 6A:8-1.3 and be defined as “for purposes of this chapter only, ‘district board of education’ means providers of publicly funded elementary, secondary, and adult high school education programs, including charter schools as approved private schools for students with disabilities.” Additionally, the commenter recommended amending the definition of “chief school administrator” to include charter school lead persons and directors of approved private schools for students with disabilities. The commenter said the amendments would clarify that that N.J.A.C. 6A:8 applies to all of these entities. **(1)**

Response: The Department thanks the commenter for the suggestions. The Department did not propose amendments to either definition as part of the original proposal but will work with stakeholders in advance of any future rulemaking.

- 87. Comment:** The commenter recommended merging or clarifying the distinctions around the provisions at N.J.A.C. 6A:8-4.3(a) and (b) because they appear to address the same topic in similar language. The commenter also recommended that “at a public meeting” be added at N.J.A.C. 6A:8-4.3(a) to clarify the reporting requirement. **(1)**

Response: The Department declines to propose the recommendation regarding N.J.A.C. 6A:8-4.3(a) and (b) as the provisions refer to different topics. N.J.A.C. 6A:8-4.3(a), as proposed for amendment, refers to chief school administrators reporting assessment results to district boards of education and members of the public at a public meeting within 60 days of receipt from the Department. N.J.A.C. 6A:8-4.3(b), as proposed for amendment, refers to chief school administrators providing educators, parents, and students with the results of annual assessments as required under N.J.A.C. 6A:8-4.2(a) within 30 days of receiving the information from the Department. Therefore, N.J.A.C. 6A:8-4.3(a) refers to reporting district and school level results to district boards of education, while N.J.A.C. 6A:8-4.3(b) refers to the reporting of individual student results.

- 88. Comment:** The commenter stated that N.J.A.C. 6A:8-3.1(c)2 requires school districts to integrate 21st century themes and skills into the curriculum and recommended an amendment to add a reference to where a list of the themes and skills can be found. **(1)**

Response: The Department declines to propose the recommended amendment because the careers and themes can be found in N.J.A.C. 6A:8-1.3 in the definition of “twenty-first century themes and skills.” The 21st century themes and skills are outlined in Standard 9 of the NJSL, which includes the 12 Career Ready Practices, which were readopted as “[Career Readiness, Life Literacies, and Key Skills Standards](#)” in June 2020 by the State Board.

- 89. Comment:** The commenter stated that N.J.A.C. 6A:8-3.1(c)3 requires district boards of education to provide "the time and resources to develop ... instructional tools for helping students acquire required knowledge and skills" and recommended an amendment to delete "time" because instructional time is a mandated subject of negotiations and the amendment will not negatively impact the rule's substance. **(1)**

Response: The Department declines to propose the recommended amendment. The reference to "time" at N.J.A.C. 6A:8-3.1(c)3 requires district boards of education to afford educators the opportunity and resources to complete the activities associated with the implementation of the NJSLs. The amount of time provided for educators to complete these activities is determined by the district board of education.

- 90. Comment:** The commenter stated that Federal and State authorities should adopt a flexible approach to assessing students with disabilities that will yield useful data on student growth and the effectiveness of the student's educational program. The commenter also stated that IEP teams should determine whether a student with disabilities takes the State assessment administered to general education students or an alternative assessment based on the student's developmental and pedagogical progress rather than the student's chronological grade level. The commenter further stated there is strict criteria for a student to be eligible to take Dynamic Learning Maps, which is the current alternative State assessment for students with disabilities, and a student who does not meet the criteria must take the general education State assessment that corresponds to the student's chronological age and grade level rather than the academic and developmental level to which the student is exposed on a daily basis. The commenter requested an amendment at N.J.A.C. 6A:8-4.1(d) to address such circumstances and permit IEP teams to determine the testing level for each student. **(1)**

Response: The Department declines to propose the recommended amendment. During its targeted assessment outreach, the Department received positive feedback regarding the assessment system's alignment to the NJSLs. The Department is committed to continuing to administer standards-based Statewide assessments to help ensure that students are making progress toward learning objectives. As the Department transitions from the current Statewide assessment program to the next generation of Statewide assessments, the Department remains committed to ensuring that students with disabilities have assessments that deliver actionable data and that the students are provided the appropriate accommodations. Appropriate accommodations, which are identified in students' IEPs and 504 plans, provide students with the tools necessary to access State assessments and demonstrate proficiency on them.

The Statewide assessment program is designed to incorporate the maximum number of accommodations that are appropriate for a student to utilize during a Statewide assessment and that do not negatively impact the accurate measurement of performance. Accommodations on State assessments are intended to facilitate access to the content for students who require them.

- 91. Comment:** The commenter stated that N.J.A.C. 6A:8-4.2(e) places responsibility for test security on district boards of education and recommended an amendment to include

clarifying language that security responsibilities are in accordance with Commissioner and testing vendor directives. The commenter also stated that security standards should be developed at the State level, while implementation of security protocols occurs at the local level. (1)

Response: The comment is outside the scope of the rulemaking as N.J.A.C. 6A:8-4.2 is not proposed for amendment.

92. **Comment:** The commenter stated that N.J.A.C. 6A:8-5.1 and other provisions throughout the proposed rulemaking refer to the NJSLs. The commenter asked if the NJSLs will be updated at the same time as this proposal to include new State laws. (1)

Response: In June 2020, the State Board adopted the [revised NJSLs](#) in all content areas except ELA and mathematics, which were most recently adopted by the State Board in May 2016. The revisions to the seven content areas that were adopted by the State Board earlier this year incorporate new statutory provisions, where appropriate.

93. **Comment:** The commenter stated that A-672/S-558, which was introduced during the 2018-2019 session, would provide an interim solution to the now invalidated graduation assessment regulations if approved by the Legislature and signed into law. The commenter also stated the bill would allow State testing to move forward for State and Federal accountability purposes, while suspending the individual testing requirement for a State-endorsed high school diploma. The commenter stated the hiatus would provide the opportunity for further collaboration with the Legislature to modify and reconcile the statute and the regulations to ensure compliance with State law and sound educational policy. (1)

Response: The legislation referenced by the commenter expired at the end of the 2018-2019 legislative session and no new corresponding legislation is currently pending.

94. **Comment:** The commenter stated that the State Board's refusal to approve the rulemaking proposed in September 2018 resulted in inequity for a wide range of students. The commenter stated that students learning in a block schedule environment take State assessments either in the fall or the spring depending upon the course schedule. The commenter also stated that students who take State assessments in the fall of 2018 were covered by the existing regulations and a longer testing timeframe while students who took State assessments in the spring of 2019 would operate under the amended regulations and shortened testing time frames. The commenter further stated that students provided special education or 504 accommodations who take State assessments in the fall did not benefit from the proposed amendments regarding accommodations and ELLs who took State assessments at the same time could not use ACCESS tests. The commenter also stated the inequities further diminish the validity of the State assessment and further disadvantage historically marginalized students. (3)

Response: Under the Department's proposed rulemaking at adoption level, the graduation assessment requirements for the classes of 2018 and 2019 remained the same. Since the December 31, 2018, Appellate Division decision, the Department has been

working with the State Board and various educational stakeholders to establish a clear graduation assessment pathway for all students. The Department maintains that the proposed rulemaking at adoption level aligns the chapter with the State statutory requirements in N.J.S.A. 18A:7C-1 et seq.

- 95. Comment:** The commenter stated that the State Board’s inclusion of two additional tests at the high school level before publication of the original rulemaking at proposal level in October 2018 would continue unnecessary over testing of students. The commenter also stated the Department demonstrated sufficient data to ensure schools know which students need remediation based on the eighth grade State assessment without requiring students to take State assessments in ninth grade. **(3)**

Response: For State and Federal accountability purposes during the 2018-2019 school year, the Department used grade nine and 10 State assessments in ELA and mathematics. Federal accountability based on State assessments was waived for the 2019-2020 and the 2020-2021 school years. Unless waived by the Federal government during the 2021-2022 school year, the Department plans to use for State and Federal accountability the grade nine State assessments in ELA and mathematics, or at least one end-of-course high school assessment in each content area. During the 2021-2022 school year, the Department will administer to students in grade 11 the State graduation proficiency test, which will be aligned to the NJSLs in ELA 10, Algebra I, and Geometry for the purposes of meeting State graduation assessment requirements.

- 96. Comment:** The commenter expressed continued opposition to high-stakes testing and the use of an exit test as a requirement for high school graduation. The commenter also stated that no educational research supports exit exams as an indicator of future success and New Jersey should join the 15 other states that have eliminated exit exam requirements. **(3)**

Response: The State graduation proficiency test is required by N.J.S.A.18A:7C-1, 2, 3, 4, 6, and 6.1.

- 97. Comment:** The commenter urged the Department to explore the Innovative Assessment Pilot available under ESSA to engage educators and students in the development of high-quality, curriculum-embedded performance assessments. **(3)**

Response: As the transition from the current Statewide assessment program to the next generation State assessment system continues, the Department remains committed to exploring all flexibilities afforded by ESSA, including options that are part of the Innovative Assessment Demonstration Authority (IADA), and will continue to seek stakeholder input.

3. Comments Received upon Publication of Notice of Proposed Substantial Changes upon Adoption to Proposed Amendments at N.J.A.C. 6A:8-1.3, 4.1, 5.1 and 5.2

- 98. Comment:** The commenter asked when the proposed amendments would be implemented. **(A)**

Response: The amended consent order approved by the Appellate Division applied the graduation assessment requirements applicable to the class of 2019 to graduates through the class of 2022. The class of 2023 is the first class that will sit for the State graduation proficiency test and would take the test in the 2021-2022 school year. If the State Board adopts the Department’s proposed rulemaking at adoption level (that is, the [amendments proposed in 2018](#) combined with the [amendments proposed in the two notices of substantial changes upon adoption](#)), the proposed amendments will take effect when the notice of adoption is published in the New Jersey Register approximately one month later.

99. **Comment:** The commenter asked if the Statewide assessment program will continue to administer end-of-course mathematics assessments under the proposed amendments. (A)

Response: Yes, the Department intends to maintain the end-of-course middle and high school mathematics assessments.

100. **Comment:** The commenter asked if, under the proposed amendments, grade 11 students can opt out of taking the State graduation proficiency test and directly avail themselves of the portfolio appeals process, or if students must take the State graduation proficiency test before accessing the portfolio appeals pathway. (B)

Response: No. the proposed amendments do not allow and 11th grade student to opt out of taking the State graduation proficiency test. The Department’s proposed rulemaking at adoption level allows students who by 12th grade have taken, but not passed, the State graduation proficiency test but have met all the credit, curriculum, and attendance requirements, to participate in the portfolio appeal process. The Department’s proposed rulemaking at adoption level will maintain, per State law, the portfolio appeals process and will codify that the menu of options cannot be accessed without sitting for the State graduation proficiency test.

101. **Comment:** The commenter stated that the N.J.A.C. 6A:8 was created assuming that grade 11 students would avail themselves of the State graduation proficiency test. The commenter further stated that all stakeholders in the State expect that the Department’s policies lead to students graduating high school with a clear set of abilities and techniques and establish educational levels at a minimum rigor for students to proceed on career or college paths. (A)

Response: The Department agrees with the commenter and expects students to take all required courses, attend school, and take the Statewide assessment statutorily required for graduation. N.J.A.C. 6A:8 contains safeguards, including the portfolio appeals process, to ensure that students reach at least a minimum level of proficiency.

102. **Comment:** The commenter stated the State Board has agreed historically that one graduation test is not right for every student and, for this reason, the law establishing the portfolio appeals process was enacted. The commenter also stated it is critical that the public understands that State law does not include a sitting requirement to access the

portfolio appeals process, but the proposed amendments include a sitting requirement to access the menu of substitute competency tests. **(G)**

Response: The Department agrees that regulations and State practice have demonstrated, since 1979, that students who do “not meet the State and district examination standards for graduation” may demonstrate proficiency through alternative means. As stated in the response to Comment 100, the Department’s proposed rulemaking at adoption level allows students who by 12th grade have taken, but not passed, the State graduation proficiency test but have met all the credit, curriculum, and attendance requirements, to participate in the portfolio appeals process. The Department’s proposed rulemaking at adoption level will maintain, per State law, the portfolio appeals process and will codify that the menu of options cannot be accessed without sitting for the State graduation proficiency test.

- 103. Comment:** The commenter asked if State statute or the regulations allow for a student to opt-out of the Statewide assessment and directly access the portfolio appeals process. The commenter also asked whether it is appropriate that students be able to take this path. **(B)**

Response: There is no opt-out provision in State statute or N.J.A.C. 6A:8. All students in New Jersey’s public schools are expected to participate in the Statewide assessment program according to the schedule established by the Commissioner. The Department’s proposed rulemaking at adoption level allows students who by 12th grade have taken, but not passed, the State graduation proficiency test but have met all the credit, curriculum, and attendance requirements, to participate in the portfolio appeal process. The Department’s proposed rulemaking at adoption level will maintain, per State law, the portfolio appeals process and will codify that the menu of options cannot be accessed without sitting for the State graduation proficiency test.

- 104. Comment:** The commenter expressed concern that more students will opt out of the State graduation assessment because of the number of other tests that students take in 11th grade, such as SAT, ACT, and AP exams. **(D)**

Response: There is no opt-out provision in State statute or N.J.A.C. 6A:8. All students in New Jersey’s public schools are expected to participate in the Statewide assessment program according to the schedule established by the Commissioner. Before availing themselves of the menu of substitute competency tests, such as the SAT and ACT, or the portfolio appeals process, students must take the State graduation proficiency test.

- 105. Comment:** The commenter stated that one interpretation of State statute and regulations calls for students to take the State graduation proficiency test, unless a student is deemed eligible for New Jersey’s alternate assessments in ELA, mathematics, and science through Dynamic Learning Maps. The commenter also stated the expectation is that the requirement would remain consistent. **(A)**

Response: The Department agrees with commenter’s interpretation that all students are expected to take the State graduation proficiency test and intends for the implementation

of the alternate State assessment for students with disabilities to remain the same under the proposed rulemaking at adoption level.

- 106. Comment:** The commenter asked if school districts encourage students to take Statewide assessments. **(H)**

Response: All students in New Jersey’s public schools are expected to participate in the Statewide assessment program according to the schedule established by the Commissioner. Through school and school district accountability measures, school districts are held accountable for student participation in Statewide assessments described in N.J.A.C. 6A:8-4.1.

- 107. Comment:** The commenter asked for statistics from past years that provide the percentages of grade 11 students who opted to take the State graduation assessment and students who did not take it. **(H)**

Response: In 2018 and 2019, approximately 95 percent of students took the NJSLA ELA 10 and Algebra I assessments.

- 108. Comment:** The commenter asked if 2019 was the first year in which the 11th grade test was optional, and for the percentage of students who participated. **(B)**

Response: Spring 2019 was the first administration of the NJSLA in which students in grade 11 were not required to participate in the end-of-course Statewide assessments in ELA 11 and mathematics (that is, Algebra I or II or Geometry if a student took one of the those courses in the student’s junior year). Instead, grade 11 end-of-course State assessments in ELA and mathematics were optional for school districts that chose to use the assessments for previously scheduled assessment data collection activities. Therefore, the Department did not report proficiency or participation data for grade 11 end-of-course State assessments administered in 2019. However, the participation rate for the State assessments that students could use to meet the graduation assessment requirements was approximately 95 percent.

- 109. Comment:** The commenter stated that while the proposed amendments are the result of trying to do the best thing possible under current circumstances while also aligning the regulations to Federal and State law and the Appellate Division’s ruling, the proposed amendments are not reflective of the best that can be done for New Jersey’s students. The commenter also stated that adding the State graduation proficiency test places additional pressure on grade 11 students since they take many tests that year. The commenter further stated that end-of-course assessments make the most sense and stated that changes in State law will resolve these issues. **(B)**

Response: The Department appreciates the State Board’s collaboration and looks forward to continuing to work with members to determine next steps under the constraints of current State law.

- 110. Comment:** The commenters expressed concern about how students will remember Algebra I and Geometry in grade 11 when they take the courses in earlier grades. **(B, E)**

Response: The Department remains committed to supporting school districts so they, in turn, can best support students. Once the State graduation proficiency test is developed, the Department plans to draft guidance to help educators and students understand best practices for individualized and targeted student support. By grade 11, students have taken ELA 10 and most students have taken Algebra I and Geometry. The Statewide graduation proficiency test will reinforce the most important Algebra I and Geometry concepts, and school districts should not need to adjust their coursework.

111. **Comment:** The commenter asked if all students will have access to Algebra I and Geometry courses by the time the State graduation proficiency assessment will be administered in grade 11. **(A)**

Response: Approximately 93 percent of students have had access to Algebra I and Geometry courses by grade 11.

112. **Comment:** The commenter asked what would happen next if the State Board decided to not approve the proposal and move it forward. **(B)**

Response: If the State Board does not approve the proposed rulemaking at adoption level, the Department would have to begin the rulemaking process anew. The amended consent order approved by the Appellate Division extended the current graduation assessment requirements through the class of 2022. Consistent with State law, beginning with the class of 2023, students will be required to take in grade 11 a State graduation proficiency test that covers ELA and mathematics content.

113. **Comment:** The commenter asked if the new State graduation proficiency test will be comprehensive and a true evaluation of how students are doing in both Algebra I and Geometry. The commenter also asked if the test results will clearly communicate to students if they require remediation in one or both specific mathematics courses. **(A)**

Response: The Department will ensure that the State graduation proficiency test is substantive and the results provide information regarding student performance on both Algebra I and Geometry. The Department will engage in meaningful conversations to determine which standards are the best predictors of student success in the post-secondary world and how the Department can most effectively report assessment results to students, educators, and parents.

114. **Comment:** The commenter stated the substitute competency options, the NJSLS, and nationwide standards all need to be aligned. The commenter also expressed the need for a conversation about the level of rigor between the substitute competency tests versus that of the State graduation proficiency test. The commenter further stated that the Department should invite the vendors for the substitute competency tests to be part of the conversation. **(G)**

Response: The Department agrees the assessments must be comparable and is exploring a research protocol for comparing cut scores across the substitute competency tests and will conduct analysis of all the assessments to determine the appropriate cut scores.

N.J.A.C. 6A:8-5.1(g)1, as proposed for amendment, stipulates that the Commissioner, in consultation with the State Board, determines the passing score.

- 115. Comment:** The commenter stated that the proposed amendments are the result of a lot of thought and effort. The commenter also stated that the proposed amendments are limited to what State law requires. The commenter further stated that the specified rigor that was added to the proposal related to the State graduation proficiency test was the result of a collaborative effort by the State Board and Department and is a step forward that shows great progress. **(C)**

Response: The Department appreciates the State Board's collaboration and looks forward to continuing to work with members to determine next steps under the constraints of current State law.

- 116. Comment:** The commenters stated that the value of State assessments lies in the use of results for accountability, in providing valuable information that can be used to help New Jersey students become college and career ready, and in addressing issues of equity. The commenters also stated that the notice of proposed substantial changes represents a compromise and that the State Board should seek assistance from the Legislature to change State law. **(D, F, and G)**

Response: The Department appreciates the State Board's collaboration and looks forward to continuing to work with members to determine next steps under the constraints of current State law.

- 117. Comment:** The commenters expressed support for the proposed amendments to N.J.A.C. 6A:8 and urged the State Board to approve them. **(5, 6, 7, 101, 103, 246, 281, 415, 675, 676, 677, 771, 869, 995, 996, 1002 through 1007, 1009, 1068, 1091, 1132, 1153, 1178, 1247, 1391, 1423, and 1464)**

Response: The Department thanks the commenters for the support.

- 118. Comment:** The commenters expressed support for a comprehensive test in grade 11. **(139, 194, 320, 404, and 1090)**

Response: The Department thanks the commenters for the support.

- 119. Comment:** The commenters stated that the proposal to simplify graduation requirements and to clarify assessment requirements for ELLs will provide ELLs with options that will help them to graduate. The commenters stated that relieving some of the test requirements for ELLs will help them stay focused on their education, rather than being discouraged by complicated and incessant testing. **(101 and 1400)**

Response: The Department thanks the commenters for the support.

- 120. Comment:** The commenter expressed support for a comprehensive test that allows for students to showcase knowledge across different levels of mathematics. **(100)**

Response: The Department thanks the commenter for the support.

121. **Comment:** The commenter urged the State Board to approve the proposed amendments and to not add a 10th grade State assessment. (189)

Response: The Department thanks the commenter for the support.

122. **Comment:** The commenters expressed support for a reduction in testing. (5, 28, 79 through 88, 92, 96, 99, 100, 102, 104, 105, 108, 110, 114, 116 through 125, 127, 128, 130, 134, 136, 137, 138, 140 through 148, 150, 151, 153, 155, 156, 158 through 168, 170 through 173, 175 through 192, 194, 198 through 206, 210, 211, 214, 215, 217 through 221, 223, 224, 226, 228, 229, 230 through 233, 236, 238, 239, 241, 243, 244, 245, 249, 250, 252, 253, 254, 258, 259, 260, 261, 263, 264, 266, 268, 269, 270, 273 through 279, 280, 282, 284, 285, 287, 288, 289, 292 through 300, 302 through 317, 319 through 327, 329, 330, 332 through 335, 337, 339, 344, 346, 349, 352, 354, 357 through 360, 363, 364, 365, 367 through 371, 373, 375, 376, 379, 381, 385, 386, 387, 390, 391, 392, 394, 399, 401, 403, 405, 407, 408, 409, 411, 413, 414, 418, 419, 420, 422, 423, 424, 429, 431, 432, 434 through 442, 443, 447, 449, 450, 452, 454, 456, 459 through 462, 464, 466, 467, 468, 473, 474 through 478, 480, 482, 483, 485, 487 through 494, 496, 497, 498, 499, 501, 502, 506, 510, 512, 513 through 568, 570, 571, 572 through 671, 672, 678, 680, 694, 695, 697, 716, 725, 732, 735, 737, 743, 751, 754, 755, 759, 768, 770, 779, 788 through 791, 802, 837, 838, 842, 844, 845, 850, 854, 857, 858, 861, 862, 864, 866, 867, 868, 870, 871, 876, 877 through 881, 889, 891, 892, 893, 895 through 905, 908, 911 through 915, 918, 919, 922, 923, 924, 926, 927, 928, 931 through 934, 936, 937, 938, 940, 942, 943, 945, 948 through 951, 953, 956, 957, 958, 961, 962, 965, 969 through 977, 979 through 984, 986 through 989, 991 through 994, 997 through 1001, 1008, 1010, 1011, 1013, 1015 through 1018, 1020 through 1023, 1025, 1028, 1029, 1030, 1035, 1037, 1039, 1040 through 1054, 1056, 1057, 1059, 1061, 1063, 1064, 1069 through 1077, 1079, 1080, 1082, 1083, 1085, 1086 through 1089, 1092, 1093, 1095, 1096, 1099, 1100, 1104, 1106, 1111 through 1122, 1124 through 1128, 1130, 1133, 1134, 1139, 1142, 1144, 1145, 1147, 1150, 1156, 1157, 1159, 1160, 1161, 1163, 1165, 1168, 1169, 1170, 1173, 1174, 1179, 1181, 1190, 1192, 1195, 1197, 1200, 1204, 1205, 1211, 1215, 1216, 1218, 1220, 1221, 1222, 1230, 1231, 1232, 1238, 1239, 1240, 1242 through 1245, 1250, 1252 through 1259, 1263, 1264, 1268, 1272, 1273, 1274, 1278, 1279, 1280, 1284 through 1298, 1300, 1301, 1302, 1306, 1308, 1310, 1311, 1313 through 1320, 1322 through 1330, 1332, 1333, 1335 through 1338, 1340 through 1343, 1345, 1347, 1349 through 1354, 1359 through 1364, 1367 through 1374, 1376 through 1383, 1387, 1388, 1391 through 1394, 1398, 1400 through 1404, 1406, 1409, 1410, 1412, 1413, 1419 through 1425, 1427, 1428, 1431, 1432, 1435, 1436, 1438, 1439, 1441, 1442, 1443, 1446, 1447, 1448, 1451, 1453, 1454, and 1456 through 1463)

Response: The Department thanks the commenters for the support.

123. **Comment:** The commenters expressed support for a shorter test at each grade level. (239, 1340, and 1408)

Response: The Department thanks the commenters for the support. Beginning with the spring 2019 administration, the Department shortened each Statewide assessment (grades three through eight and high school) by approximately 25 percent and reduced the number of required Statewide assessments in high school.

124. **Comment:** The commenters expressed support for the menu of the alternative assessments students can utilize to meet the graduation assessment requirement, including the portfolio appeals process. **(1031 and 1091)**

Response: The Department thanks the commenters for the support.

125. **Comment:** The commenters expressed support for a grade 11 assessment administered in the fall. **(6 and 1151)**

Response: The Department will consider the input during the transition from the current Statewide assessment program to the next generation of Statewide assessments.

126. **Comment:** The commenter stated that the Department's proposed amendments to N.J.A.C. 6A:8 are contrary to State statute because, as written, the regulations would permit students who have not taken the 11th grade State graduation proficiency test to have access to the alternative assessment of proficiency. The commenter provided a legal opinion from the Office of Legislative Services (OLS) that states N.J.S.A. 18A: 7C-1 to 9 requires all students to take the 11th grade State graduation proficiency test in order to take advantage of the alternative assessment of proficiency. The OLS legal opinion also states any proposal that does not require students to take the State graduation proficiency test would be illegal under current law. **(4)**

Response: The Department proposed in the second notice of substantial changes to amend N.J.A.C. 6A:8-5.1(a)6 to clarify that all students must demonstrate proficiency by achieving a passing score on the ELA and mathematics components of the State graduation proficiency test or, for students who take the State graduation proficiency test but do not achieve a passing score, be afforded an opportunity to demonstrate proficiency on a corresponding substitute competency test in ELA and/or mathematics, as applicable, and/or demonstrate proficiency through the portfolio appeals process, pursuant to N.J.S.A. 18A:7C-3.

127. **Comment:** The commenter urged the State Board to consider requiring only one ELA and mathematics test as the high school graduation requirement and a test in grades five and eight to identify at-risk students. **(217)**

Response: The Elementary and Secondary Education Act (ESEA), as reauthorized in 2015 by ESSA, mandates that states administer assessments aligned to states' academic content standards to all students annually. Statewide assessments must be in reading/language arts and mathematics in grades three through eight and once in high school. ESSA also requires science assessments once in each grade (grades three to five, six to nine, and 10 to 12) for all students, and annual English language proficiency assessments in kindergarten through grade 12 for all English learners. ESSA specifically

requires states to administer the same assessment system for all students in each required grade and subject.

The Department's proposal aligns N.J.A.C. 6A:8-4 to the Federal requirement to assess students in grades three through nine. The Department uses Statewide assessment results, along with multiple measures, to identify which schools, school districts, and student groups require more concentrated support and resources. For high school students who are unable to meet the graduation assessment requirement, the Department's proposal at N.J.A.C. 6A:8-5.1 requires the district board of education, when appropriate, to provide additional remedial instruction specifically directed toward mastery of the proficiencies identified as necessary for the awarding of a diploma.

- 128. Comment:** The commenter expressed concerns regarding the Department's reliance on grade nine assessments as the only assessment for Federal accountability and school performance data and the grade 11 test as the sole graduation assessment requirement for students. The commenter asked the State Board to consider a single grade 11 assessment to be designated for both Federal and State accountability and used for school district reporting and graduation assessment requirements. **(1151)**

Response: The Department maintains that assessing students from kindergarten through grade nine provides school districts with continuity and longitudinal data to compare curricula, strengths, and weaknesses across grade levels and content area curriculum.

- 129. Comment:** The commenters expressed concern about having time for remediation between the testing administrations in grade 11. **(505 and 1281)**

Response: Once the State graduation proficiency test is developed, the Department plans to draft guidance to help educators support students who do not demonstrate proficiency on grade nine State assessments or the State graduation proficiency test. The Department remains committed to supporting school districts so they, in turn, can best support students. The Department provides educators with tools to improve data-driven decision making and aligned instruction. Since 2017, the Department has explained that remediation does not have to be delivered through a "remedial course" (see for example, a Department memo from [August 8, 2017](#), providing multiple options for types of remediation support). Pursuant to N.J.S.A. 18A:7C-3 and 6, a student who has not demonstrated proficiency on the State graduation proficiency test will be offered remediation and the opportunity to retake the State graduation proficiency test in the student's senior year.

- 130. Comment:** The commenter stated that standardized testing should be limited to basic skills. **(718 and 1284)**

Response: The Department maintains that the State graduation proficiency test, which will assess students' progress toward the NJSLs in ELA 10, Algebra I, and Geometry is a fair, minimum requirement for students who are graduating from a public high school in New Jersey.

- 131. Comment:** The commenter expressed concerns that the standards being assessed in grade nine significantly overlap and test the same standards as the grade 11 State graduation proficiency test. **(1151)**

Response: The Statewide graduation proficiency test maintains the current graduation requirements of ELA 10 and Algebra I, and slightly raises the bar by adding Geometry. By grade 11, students have had ELA 10 and most students have taken Algebra I and Geometry. The Statewide graduation proficiency test will reinforce the most important Algebra I and Geometry concepts, and school districts should not need to adjust their coursework.

- 132. Comment:** The commenter recommended that the Department strengthen and incorporate the portfolio appeals process within high school coursework to provide an equitable pathway to graduation while alleviating the burden on students who do not pass the State graduation proficiency test. **(6)**

Response: The Department worked with more than one hundred educators in schools throughout the State to develop instructional units based on ELA and mathematics standards. The Department plans to collaborate with the educators to connect the instructional units to the portfolio appeals performance activities, as they relate to high school standards.

- 133. Comment:** The commenter urged the Department to address the timeliness of data release in any new assessment contract to ensure that educators receive assessment data as soon as possible. The commenter further urged the Department to address the issue of data between school districts and states, as educators often do not receive in a timely manner the past performance data for transfer students, ELLs, and out-of-State students. **(6)**

Response: The Department is committed to continually improving the usefulness and timeliness of assessment data. Beginning each June, school districts have access to student records through the New Jersey Standards Measurement and Resource for Teaching (NJ SMART) and are encouraged to disseminate the data to staff. NJSLA results are meant to provide summative information that can be used to inform decisions regarding curriculum and instruction within school districts. NJSLA results are not meant to be a formative or diagnostic assessment and, therefore, are provided to school districts on a rolling basis over the summer. With this timing, State assessment results can inform curricular decisions, resources, and promote conversations about the strengths and weaknesses of grade- and school-level instruction for the following school year. The Department will consider the comment as it transitions the current Statewide assessment program to the next generation of Statewide assessments.

- 134. Comment:** The commenters urge the collective development of an implementation timeline with input from the field and other educational stakeholders to ensure a smooth transition to a new assessment. **(6 and 106)**

Response: The Department is committed to a smooth implementation timeline. During Phase 2 of assessment outreach in 2019, the Department met with 243 practitioners from 151 school districts across all 21 counties. The Department collected information and input regarding substantive recommendations for consideration that will inform the development of the next generation of Statewide assessments.

135. **Comment:** The commenters expressed support for the exploration of innovative approaches to assessment being examined in other states, including the reciprocity of student data across states. (6)

Response: The Department is conducting research into the current landscape of statewide assessments across the nation and will continue to engage with other state education agencies to develop an understanding of innovative practices in large-scale assessments. As the Department continues to transition from current assessments to the next generation assessment system, the Department remains committed to exploring all flexibilities afforded by ESSA, including flexibilities that are part of the Innovative Assessment Demonstration Authority (IADA), and will continue to seek stakeholder input.

136. **Comment:** The commenters stated that additional testing costs more money. (139, 199, 338, 461, 1121, 1159, 1249, and 1260)

Response: The Department thanks the commenters for the input. Most assessment operational costs are tied to overall design of the entire Statewide system. However, when the Department reduces the number of tests required, there is a reduction in high school assessment costs. The Department expects the reduction in testing that was implemented in spring 2019 will reflect a slight decrease in operating costs for the Department in fiscal year 2020.

137. **Comment:** The commenters expressed opposition to the proposed amendments. (80 and 90)

Response: The Department thanks the commenters for the input.

138. **Comment:** The commenter expressed concerns that the lowest performing students who are most in danger of failing State assessments should not wait until 11th grade to pursue other options for a high school diploma. (97)

Response: State law requires grade 11 students to take the State graduation proficiency test and provides a non-standardized pathway for students who have not been successful by grade 12.

139. **Comment:** The commenter stated that testing 11th grade students on content that many have been completed the year(s) before will lead to more test prep and take time away from instruction at that grade level. (97)

Response: The Department remains committed to supporting school districts so they, in turn, can best support students. Once the State graduation proficiency test is developed, the Department plans to draft guidance to help educators and students understand best

practices for individualized and targeted student support. The Statewide graduation proficiency test will reinforce the most important Algebra I and Geometry concepts, and school districts should not need to adjust their coursework.

- 140. Comment:** The commenter expressed concern that the cut scores for alternative high school graduation options, which have not yet been set, will be too low. **(97)**

Response: The Department is exploring research protocol for comparing cut scores across the substitute competency tests and will conduct analysis of all the assessments to determine the appropriate cut scores. N.J.A.C. 6A:8-5.1(f)2i, as proposed for amendment, requires the Commissioner, in consultation with the State Board, to determine the cut scores.

- 141. Comment:** The commenter stated that the proposal “lowers the bar” for high school graduation requirements, which the commenter said is a disservice to students and businesses. The commenter also stated that lowering the bar may exacerbate the issue of students needing to take remedial education courses in college. **(97)**

Response: The Department remains committed to maintaining high expectations for all students, complying with Federal requirements, and, most importantly, considering the needs of all students. Students who pass the State graduation proficiency test in grade 11 will have demonstrated that they met higher expectations since the current graduation assessment requirement for mathematics is Algebra I, while the State graduation proficiency test will include Geometry.

- 142. Comment:** The commenters expressed concern that a new test will create a new data benchmark that is not comparable to previous years’ test results. The commenters stated the new test is akin to hitting the “restart” button on the State’s academic trajectory, which has been steadily improving against more rigorous standards during the past five years. **(97 and 1281)**

Response: Despite the disruptions to longitudinal data comparisons COVID-19 caused by the State of Emergency, the Department remains committed to maintaining longitudinal comparisons and smooth operations with any assessment transitions that may occur during the next three years. The Department will continue to seek stakeholder input during the transition from the current Statewide assessment program to the next generation of Statewide assessments.

- 143. Comment:** The commenter stated the proposed amendments will take a step backward from ensuring that New Jersey’s elementary and secondary education system adequately assesses the skills needed for in-demand local employment. **(97)**

Response: The Department is committed to meeting the needs of all students. As the Department transitions from the current Statewide assessment program to the next generation of Statewide assessments, the Department has extensively collaborated with stakeholders to improve assessment and data reporting regarding all types of learners and student subgroups to ensure students master the knowledge and skills needed to succeed in postsecondary opportunities.

144. Comment: The commenters opposed a reduction in testing. **(80, 766, and 1281)**

Response: The Department thanks the commenters for the input.

145. Comment: The commenter stated that reduction in testing would lessen accountability for teachers and schools. The commenter suggested that the Department move toward a State assessment that truly measures grade-level competencies in conjunction with a diploma that indicates the level of competency achieved. **(766)**

Response: The Department's proposal at N.J.A.C. 6A:8-4.1 requires students to be assessed on their performance on ELA and mathematics in grades three through nine. For Federal accountability purposes at the high school level, the Department will use Statewide assessment results from ELA 9 and the end-of-course mathematics assessments administered to grade nine students. Along with multiple measures, the Department will still be able to identify which schools, school districts, and student groups require more concentrated support and resources. NJQSAC, which is the Department's monitoring and self-evaluation system for public school districts, will remain the same. NJQSAC consolidates and incorporates the monitoring requirements of applicable State laws and programs.

The proposed Statewide graduation proficiency test aligns with the requirements in State law, as does the State-endorsed high school diploma.

146. Comment: The commenters expressed support for additional testing at the high school level. **(670 and 1179)**

Response: The Department thanks the commenters for the input.

147. Comment: The commenters urged the elimination of tests as a New Jersey graduation requirement. **(80, 92,132, 361, 497, 507, 508, 690, 767, 787, 796, 823, 1024, 1058, 1072, 1077, 1091, 1176, 1251, 1266, 1339, 1357, and 1385)**

Response: State law (N.J.S.A. 18A:7C-6) requires a State assessment to be administered for graduation.

148. Comment: The commenter submitted an adopted resolution that advocated for diminishing the role that standardized testing plays in evaluating students. The resolution also expressed a commitment to working with stakeholders to reexamine public school accountability systems and to develop a system that is based on multiple forms of assessment that do not require extensive standardized testing, more accurately reflects the broad range of student learning, and is used to support students and improve schools. **(1098)**

Response: The Department thanks the commenter for sharing the resolution. The Department will continue to collaborate with the State Board to determine next steps under the constraints of current Federal and State law.

- 149. Comment:** The commenters expressed that standardized testing negatively impacts student mental health and well-being. (5, 80, 111, 112, 128, 146, 156, 157, 163, 169, 170, 171, 174, 183, 184, 187, 190, 196, 197, 201, 204, 207, 211, 232 through 245, 254, 255, 267, 269, 270, 273, 276, 278, 286, 290, 291, 294, 295, 296, 301, 303, 307, 311, 317, 322, 326, 334, 335, 337, 340, 341, 345, 346, 350, 357, 386, 387, 391, 400, 408, 409, 413, 422, 426, 436, 441, 443, 447, 448, 461, 469, 476, 478, 482, 484, 485, 487, 488, 494, 495, 496, 503, 508, 522, 529, 530, 531, 533 through 536, 538, 539, 545, 547, 548, 549, 551, 567, 568, 571, 577, 578, 579, 584, 589, 590, 593, 595, 601 through 605, 608, 611, 623, 627, 656, 664, 666, 677, 682 through 686, 688, 691, 693 through 696, 698 through 708, 720, 753, 754, 760, 778 through 783, 792, 808, 835, 837, 854, 861, 862, 867, 871, 872, 884, 886 through 891, 893, 906, 907, 911, 915, 917, 918, 920, 921, 927, 929, 936, 939, 941 through 945, 947, 949, 952, 956, 959, 960, 963, 970, 981, 984, 996, 999, 1011, 1012, 1014, 1018, 1023, 1026, 1027, 1032, 1036, 1038, 1040, 1041, 1045, 1046, 1053, 1058, 1059, 1060, 1064, 1067, 1069, 1073, 1074, 1080, 1081, 1084, 1086, 1087, 1090, 1091, 1092, 1096, 1101, 1102, 1106, 1107, 1110, 1113, 1114, 1115, 1118, 1119, 1122, 1123, 1127, 1128, 1129, 1130, 1134, 1138, 1140, 1141, 1143, 1144, 1146, 1150, 1152, 1154, 1165, 1173, 1176, 1177, 1181, 1186, 1188, 1196, 1206, 1207, 1212, 1213, 1215, 1216, 1221, 1224, 1225, 1226, 1234, 1237, 1250, 1255, 1256, 1272, 1276, 1278, 1282, 1295, 1297, 1311, 1320, 1322, 1330, 1334, 1349, 1352, 1359, 1364, 1365, 1371, 1378, 1382 through 1387, 1389, 1404, 1409, 1420, 1424, 1425, 1427, 1428, 1431, 1434 through 1437, 1440, 1442, 1443, 1452, 1453, 1455, 1457, and 1458)

Response: The Department is focused on the well-being of New Jersey’s students and is committed to evaluating the impact on students throughout the development of the next generation of State assessments. Beginning with the initial assessment outreach in 2018 and throughout ongoing stakeholder outreach, the Department heard about how policies shaped student experiences across the State. In consideration of this feedback, the Department identified the reduction in testing as one way to be responsive. The Department shortened each Statewide assessment (grades three through eight and high school) by approximately 25 percent, beginning with the spring 2019 administration. The Department remains committed to ensuring that policies are crafted in the best interests of students.

- 150. Comment:** The commenters expressed concern about the timing of the assessment administration window, as all of the standards could be tested but not all may have been taught by that point in the school year. (80, 592, 1084, 1087, 1119, 1167, and 1435)

Response: The Department will consider the comment as it transitions from the current Statewide assessment program to the next generation of Statewide assessments. Current State assessments are designed to be administered when approximately 80 percent of instruction has been completed for the school year; this metric determines the assessment administration window.

- 151. Comment:** The commenters stated that the data from Statewide assessments is not beneficial to classroom practices and pedagogy. (80, 173, 261, 300, 382, 499, 781, 897, 1094, 1095, 1191, 1212, 1263, and 1320)

Response: The Department is committed to empowering educators to effectuate positive outcomes for students by using data from Statewide assessments. The Department continues to make enhancements to reports regarding assessment results based on feedback from educators and national assessment experts. Significant efforts are also being made to support the use of Statewide assessment results and local sources of information through the implementation of the Connected Action Roadmap (CAR) framework, which assists school districts in implementing the NJSL and preparing students to master the skills that are measured by the NJSLA in ELA, mathematics, and science. The Department is dedicated to ensuring that all students have access to high-quality instruction and expects that the proposed rulemaking at adoption level will enable school districts to reallocate resources and to better support students' academic needs.

152. **Comment:** The commenters stated that primary instruction should come from educators and not from assessments. (80, 92, 100, 123, 1038, 1042, 1082, and 1173)

Response: The Department maintains that Statewide assessments, which are mandated by State and Federal law, are a valuable tool for understanding student performance in schools and school districts across the State. Nevertheless, Statewide assessments are a single component of the multiple measures that educators utilize to obtain comprehensive insight into students' overall performance and achievement. Significant efforts are also being made to support the use of Statewide assessment results and local sources of information through the implementation of the CAR framework, which assists school districts in implementing the NJSL and preparing students to master the skills that are measured by the NJSLA in ELA, mathematics, and science.

153. **Comment:** The commenters stated there are methods of assessing student comprehension other than testing. (28, 130, 201, 302, 306, 341, 462, 475, 1166, 1174, 1175, 1194, 1200, 1220, 1225, 1233, 1234, 1235, 1256, 1257, and 1275)

Response: The Department agrees that there are other methods for assessing student comprehension other than Statewide assessments.

154. **Comment:** The commenters expressed opposition to standardized Statewide testing. (80, 112, 212, 222, 227, 235, 322, 477, 504 through 509, 529, 532, 537, 591, 594, 643, 648, 658, 720, 728, 732, 742, 761, 762, 767, 769, 775, 780, 783, 784, 791, 794, 801, 856, 1018, 1032, 1062, 1101, 1105, 1108, 1149, 1154, 1193, 1202, 1224, 1248, 1277, 1312, 1328, 1334, 1375, 1416, 1426, 1429, 1437, and 1450)

Response: ESSA mandates that states administer to all students annually statewide assessments aligned to states' academic content standards in reading/language arts and mathematics in grades three through eight and once in high school. ESSA also requires science assessments once in each grade span (grades three to five, six to nine, and 10 to 12) for all students, and annual English language proficiency assessments in kindergarten through grade 12 for all English learners. Under ESSA, such assessments are required to be valid and reliable, be consistent with relevant, nationally recognized professional and technical testing standards, and objectively measure academic achievement, knowledge, and skills.

155. **Comment:** The commenters stated that standardized testing does not improve student achievement. (656, 1194, 1198, 1433, 1450, and 1460)

Response: The Department remains committed to maintaining high expectations for all students, complying with Federal requirements, and, most importantly, considering the needs of all students. State assessments are designed to accurately measure student performance on the NJSLs and provide educators with actionable information to identify students' strengths and areas for improvement. Significant efforts are also being made to support the use of Statewide assessment results and local sources of information through the implementation of the CAR framework, which assists school districts in implementing the NJSLs and preparing students to master the skills that are measured by the NJSLA in ELA, mathematics, and science.

156. **Comment:** The commenter stated that the Statewide assessments are financially wasteful for New Jersey taxpayers. (104, 433, 548, 601, 603, 838, 1036, 1087, 1119, 1152, 1213, 1265, 1273, 1366, 1429, and 1460)

Response: ESSA mandates that states administer to all students annually statewide assessments aligned to states' academic content standards in reading/language arts and mathematics in grades three through eight and once in high school. ESSA also requires a statewide science assessment once in each grade span (grades three to five, six to nine, and 10 to 12), and annual English language proficiency assessments in kindergarten through grade 12 for all English learners. ESSA specifically requires states to administer the same assessment system to all students to assess the achievement of all public school students in the State. Under ESSA, such assessments are required to be valid and reliable, be consistent with relevant, nationally recognized professional and technical testing standards, and objectively measure academic achievement, knowledge, and skills. The Department is exploring all flexibilities afforded by ESSA and will continue to seek stakeholder input during the transition from the current Statewide assessment program to the next generation of Statewide assessments.

157. **Comment:** The commenter stated that testing harms school administrators by placing pressure on them to ensure their school performs. (216, 243, 1231, and 1234)

Response: The Department maintains that Statewide assessments are a single component of the multiple measures that educators utilize to obtain comprehensive insight into students' overall performance and achievement. The Department uses Statewide assessments and other measures to identify through NJQSAC which school districts and schools require the most support and resources. The Department also utilizes growth measures to identify high-achieving school districts throughout the State.

158. **Comment:** The commenter stated that PARCC is a flawed test that should not be used as the Statewide assessment. (115)

Response: New Jersey's Statewide assessments (formerly PARCC and currently the NJSLA) have undergone the federally required peer-review process, which ensures that assessments are a reliable and valid measure of student performance related to NJSLs.

Statewide assessments are a single component of the multiple measures that educators utilize to obtain comprehensive insight into students' overall performance and achievement. The Department uses Statewide assessments and other measures to identify through NJQSAC which school districts and schools require the most support and resources. The Department also utilizes growth measures to identify high achieving school districts throughout the State.

- 159. Comment:** The commenters stated that research does not show a correlation between the tests and better teacher practices or more student learning. (116, 118, 122, 152, 196, 213, 1194, 1198, 1203, 1273, and 1426)

Response: The Department maintains that Statewide assessments, which are mandated by State and Federal law, are a valuable tool for understanding student performance in schools and school districts across the State. Statewide assessments are a single component of the multiple measures that educators utilize to obtain comprehensive insight into students' overall performance and achievement. The Department uses Statewide assessments and other measures to identify through NJQSAC which school districts and schools require the most support and resources. The Department's transition from the current Statewide assessment program to the next generation of Statewide assessments is informed by best practices and research and will minimize unnecessary disruption to student learning. The Department is committed to ensuring that all students have access to high-quality instruction and expects that the proposed rulemaking at adoption level will enable school districts to reallocate resources and to better support students' needs.

- 160. Comment:** The commenters stated that the tests do not provide a realistic snapshot of student knowledge. (80, 136, 137, 149, 156, 159, 166, 183, 196, 197, 221, 226, 240, 242, 252, 263, 264, 267, 271, 286, 291, 292, 293, 303, 322, 335, 339, 340, 357, 370, 386, 387, 406, 414, 429, 464, 474, 488, 499, 560, 574, 575, 576, 579, 586, 590, 593, 615, 618, 676, 758, 765, 777, 780, 791 through 799, 845, 879, 931, 999, 1039, 1058, 1060, 1061, 1062, 1073, 1074, 1077, 1080, 1088, 1128, 1148, 1152, 1154, 1156, 1165, 1189, 1195, 1219, 1222, 1238, 1240, 1245, 1246, 1255, 1256, 1258, 1262, 1295, 1298, 1314, 1321, 1322, 1323, 1326, 1327, 1330, 1333, 1339, 1342, 1356, 1357, 1365 through 1378, 1380, 1386, 1394, 1397, 1403, 1412, 1413, 1420, 1424, 1425, 1432, 1435, 1445, 1447, 1461, and 1465)

Response: The Department remains committed to maintaining high expectations for all students, complying with Federal requirements, and, most importantly, considering the needs of all students. New Jersey's Statewide assessments have undergone the federally required peer-review process, which ensures that assessments are a reliable and valid measure of student performance related to NJSLs. The Department maintains that Statewide assessments are a single component of the multiple measures that educators utilize to obtain comprehensive insight into students' overall performance and achievement. The Department uses Statewide assessments and other measures to identify through NJQSAC which school districts and schools require the most support and resources. The Department also utilizes growth measures to identify high achieving school districts throughout the State.

- 161. Comment:** The commenters stated that standardized test results are not a good indicator of future student success, and additional testing may cause a lack of student preparedness for life outside of the classroom. (5, 80, 103, 128, 132, 196, 252, 267, 344, 351, 385, 407, 478, 488, 493, 568, 851, 1078, 1079, 1081, 1152, 1158, 1161, 1170, 1175, 1189, 1277, 1311, 1359, 1424, and 1436)

Response: The Department remains committed to maintaining high expectations for all students, complying with Federal requirements, and, most importantly, considering the needs of all students. Nevertheless, State assessments are a single component of the multiple measures that educators utilize to obtain comprehensive insight into students' overall performance and achievement. Beyond Statewide assessments, the Department sets rigorous standards in nine content areas and graduation requirements to ensure that students are prepared for postsecondary opportunities. The Department, school districts, and families share responsibility for preparing high school students for these opportunities.

- 162. Comment:** The commenters stated that students are over tested. (80, 92, 113, 123, 127, 128, 134, 267, 274, 275, 277, 278, 300, 301, 302, 304, 305, 306, 318, 323, 325, 327, 332, 334, 337, 341, 342, 353, 356, 364, 367, 401, 402, 420, 425, 430, 447, 465, 475, 496, 551, 552, 555, 636, 645, 651, 652, 662, 753, 764, 773, 774, 864, 1053, 1107, 1139, 1201, 1202, 1208, 1213, 1241, 1269, 1274, 1338, 1417, 1440, and 1441)

Response: Beginning with the spring 2019 administration, the Department shortened each Statewide assessment (grades three through eight and high school) by approximately 25 percent and reduced the number of required Statewide assessments in high school. The Department also expects that reducing the number of hours students spend taking Statewide assessments will increase instructional time throughout the year and enable school districts to reallocate resources and to better support students' academic needs.

- 163. Comment:** The commenters expressed that standardized test preparation is not developmentally appropriate for elementary students. (461, 583, 1242, 1343, and 1349)

Response: ESSA mandates that states administer to all students annual statewide assessments aligned to states' academic content standards in reading/language arts and mathematics in grades three through eight and once in high school. To meet ESSA's science testing requirement, New Jersey assesses science in grades five, eight, and eleven. Additionally under ESSA, states must annually test English language proficiency in kindergarten through grade 12 for all English learners.

The Department remains committed to maintaining high expectations for all students, complying with Federal requirements, and, most importantly, considering the needs of all students. New Jersey's Statewide assessments have undergone the federally required peer-review process, which ensures that assessments are a reliable and valid measure of student performance.

- 164. Comment:** The commenters stated that the assessment system should return to testing only in mile-marker grades rather than on a yearly basis. (100, 584, 681, 1044, 1087, 1090, 1284, 1401, 1433, and 1460)

Response: ESSA mandates that states administer to all students annual statewide assessments aligned to states' academic content standards in reading/language arts and mathematics in grades three through eight and once in high school. ESSA also requires science assessments once in each grade span (grades three to five, six to nine, and 10 to 12) for all students and annual English language proficiency assessments in kindergarten through grade 12 for all English learners. Under ESSA, such assessments are required to be valid and reliable, be consistent with relevant, nationally recognized professional and technical testing standards, and objectively measure academic achievement, knowledge, and skills. ESSA specifically requires states to administer the same assessment system to all students. The Department is exploring all flexibilities afforded by ESSA and will continue to seek stakeholder input during the transition from the current Statewide assessment program to the next generation of Statewide assessments.

- 165. Comment:** The commenters stated that teachers are best positioned to evaluate their students. (80, 326, 332, 536, 613, 631, 775, 843, 855, 864, 1111, 1169, 1180, 1184, 1189, 1190, 1196, 1197, 1200, 1202, 1209, 1214, 1218, 1221, 1224, 1225, 1232, 1235, 1237, 1239, 1249, 1250, 1261, 1266, 1271, 1273, 1280, 1286, 1306, 1317, 1354, 1362, 1363, 1421, 1433, 1458, and 1462)

Response: The Department agrees that teachers are best positioned to evaluate their student performance. The Department maintains that Statewide assessments are a single component of the multiple measures that educators utilize to obtain comprehensive insight into students' overall performance and achievement. The Department uses Statewide assessments and other measures to identify through NJQSAC which school districts and schools require the most support and resources. The Department also utilizes growth measures to identify high achieving school districts throughout the State.

- 166. Comment:** The commenter stated that testing should be only one metric by which to measure student and teacher performance. (272)

Response: The Department agrees, which is why Statewide assessments are a single component of the multiple measures that educators utilize to obtain comprehensive insight into students' overall performance and achievement. The Department uses Statewide assessments and other measures to identify through NJQSAC which schools and school districts require the most support and resources.

- 167. Comment:** The commenter asked the State Board of Education to consider, as its members deliberate the next iteration of Statewide assessments, the issue of assessment design and implementation, which includes the creation and delivery of assessments, alignment of assessments to content and standards, the design of inclusive assessments for all students, and a consideration of incorporating formative assessments. (106)

Response: During Phase 2 of assessment outreach, the Department met with 243 practitioners from 151 school districts across all 21 counties. The Department collected information and input regarding substantive recommendations for consideration that will inform the development of the next generation of Statewide assessments and build off the foundation of critical thinking and problem solving currently implemented in New Jersey’s Statewide assessment program. During the transition from the current Statewide assessment program to the next generation assessment system, the Department remains committed to exploring all flexibilities afforded by ESSA, including those that are part of the IADA. The Department will continue to seek stakeholder input and work collaboratively with the State Board of Education as the Department transitions to the next generation of Statewide assessments.

- 168. Comment:** The commenters stated that exit exams do not help students who pass, have a negative effect on students who are unable to pass, and do not resolve achievement gaps. **(92, 132, and 1031)**

Response: Current State law requires an exit exam that ensures that students are equipped with the knowledge and skills they need to be successful in their postsecondary opportunities. The Department remains committed to supporting school districts so they, in turn, can best support students. Since 2017, the Department has explained that remediation does not have to be delivered through a “remedial course” (see for example, a Department memo from [August 8, 2017](#), providing multiple options for types of remediation support). The Department will continue to provide educators with tools to improve data driven decision making and aligned instruction.

- 169. Comment:** The commenters stated that alternatives to standardized assessments that provide a more authentic assessment of student knowledge should be found. **(132, 150, 196, 206, 291, 292, 504, 687, 803, 1356, 1358, 1386, 1405, 1444, and 1449)**

Response: The Department remains committed to maintaining high expectations for all students, complying with Federal requirements, and, most importantly, considering the needs of all students. New Jersey’s Statewide assessments have undergone the federally required peer-review process, which ensures that assessments are a reliable and valid measure of student performance related to NJSLs. The Statewide assessments are a single component of the multiple measures that educators utilize to obtain comprehensive insight into students’ overall performance and achievement. The Department is exploring all flexibilities afforded by ESSA and will continue to seek stakeholder input during the transition from the current Statewide assessment program to the next generation of Statewide assessments.

- 170. Comment:** The commenters stated that differentiated instruction is necessary in the classroom, but the assessments are not differentiated. **(80, 864, 909, 1196, and 1462)**

Response: The Statewide assessment program is designed to incorporate the maximum number of accommodations that are appropriate for a student to utilize during a Statewide assessment and that do not negatively impact the accurate measurement of performance. Accommodations on an assessment are intended to facilitate access to the content for

students who require them. The Department provides training to school districts on providing accessibility features and accommodations for students during the Statewide assessments. A manual on the accessibility features and accommodations that may be used by students during the Statewide assessments is also readily available [for further information](#).

Universal design is a foundational aspect of assessment development. The purpose of universally designed assessments is to provide access for the greatest number of students during assessment and to minimize the need for individualized design or accommodations. Universal design acknowledges differences among individuals, and that a range of methods and materials are needed to measure learning for accurate assessment to occur.

171. **Comment:** The commenters stated that the focus on standardized testing has caused a lack of creative learning environments for students in schools. (80, 112, 156, 175, 179, 194, 204, 225, 226, 236, 237, 240, 269, 280, 309, 313, 324, 334, 343, 348, 447, 458, 485, 574, 590, 729, 777, 808, 1021, 1029, 1032, 1047, 1049, 1063, 1076, 1077, 1086, 1122, 1133, 1152, 1155, 1156, 1176, 1180, 1188, 1201, 1203, 1205, 1210, 1217, 1245, 1260, 1269, and 1389)

Response: Beginning with the spring 2019 administration, the Department shortened each Statewide assessment (grades three through eight and high school) by approximately 25 percent and reduced the number of required Statewide assessments in high school. The Department also expects that reducing the number of hours students spend taking Statewide assessments will increase instructional time throughout the year and enable school districts to reallocate resources and to better support students' academic needs.

172. **Comment:** The commenters stated that preparing students for success as 21st century global citizens should be emphasized in lieu of further testing. (80, 283, and 461)

Response: The Department thanks the commenters for the input. The NJSLs include 21st Century Life and Career Standards, which were readopted as "[Career Readiness, Life Literacies, and Key Skills Standards](#)" by the State Board in June 2020.

173. **Comment:** The commenters requested that the State testing requirements mirror the minimum requirements required by Federal law. (92, 193, 208, 209, 1024, 1087, and 1378)

Response: The Department's proposed rulemaking at adoption level meets the Federal requirements under ESSA, which mandates that states administer to all students Statewide assessments aligned to states' academic standards in reading/language arts and mathematics in grades three through eight and once in high school. ESSA also requires states to administer science assessments once in each grade span (grades three to five, six to nine, and 10 to 12) for all students and annual English language proficiency assessments in kindergarten through grade 12 for all English learners.

174. **Comment:** The commenters stated that the NJSLs drive student learning and not Statewide assessments. (5, 65, 80, 92, 98, 99, 111, 113, 129, 131, 133, 134, 142, 143,

146, 158, 170, 176, 182, 193, 194, 200, 202, 210, 211, 220, 224, 233, 234, 247, 248, 257, 262, 265, 267, 268, 285, 287, 288, 289, 299, 306, 309, 313, 317, 320, 328, 332, 336, 341, 342, 347, 350, 362, 368, 378, 380, 383, 384, 388, 389, 391, 396, 400, 406, 411, 412, 416 through 419, 421, 423, 424, 428, 429, 431, 437, 444, 446, 448, 449, 450, 452, 453, 455, 457, 461, 463, 466, 471, 472, 481, 483, 486, 489, 490, 495, 498, 501, 530, 540, 541 through 545, 547, 548, 549, 551, 555, 562, 563, 566, 595, 600 through 603, 606, 608, 609, 613, 621, 625, 627, 630, 631, 649, 655, 664, 677, 680, 688, 689, 691, 693, 694, 695 through 698, 700 through 708, 713, 730, 737, 741, 744 through 760, 764, 765, 769, 780, 788, 792, 797, 801, 804, 805 through 824, 826, 828 through 844, 846, 849, 850, 861, 878, 890, 891, 911, 915, 917, 918, 920, 921, 927, 929, 939, 943, 947, 952, 956, 960, 963, 966, 981, 1000, 1012, 1023, 1026, 1030, 1082, 1085, 1102, 1103, 1109, 1110, 1114, 1122, 1129, 1130, 1134, 1138, 1140, 1141, 1143, 1150, 1166, 1187, 1211, 1222, 1233, 1235, 1241, 1274, 1323, 1324, 1325, 1350, 1351, 1352, 1357, 1366, 1431, 1444, 1445, and 1456)

Response: The Department agrees that the NJSLS drive learning and instruction. New Jersey's Statewide assessments have undergone the federally required peer-review process, which ensures that the assessments are a reliable and valid measure of student performance related to the NJSLS.

175. **Comment:** The commenters stated that student knowledge is consistently being assessed in a variety of ways in the classroom. (28, 65, 80, 90, 113, 126, 129, 131, 133, 134, 139, 141, 142, 143, 145 through 149, 163, 164, 170, 171, 182, 193, 197, 200 through 203, 210, 215, 220, 223, 224, 231, 233, 234, 238, 241, 247 through 250, 257, 262, 265, 267, 268, 274, 275, 285, 287, 288, 289, 291, 299, 306, 309, 313, 317, 320, 321, 323, 328, 331, 336, 337, 341, 342, 347, 350, 354, 355, 357, 362, 366, 368, 371, 378, 380, 383, 384, 388, 396, 397, 398, 400, 401, 403, 406, 411, 412, 416 through 419, 421, 423, 424, 428, 431, 434, 437, 438, 445, 446, 448 through 453, 455, 457, 461, 466, 471, 472, 473, 476, 480, 481, 483, 484, 486, 489, 490, 495, 496, 498, 499, 501, 522, 530, 540, 541, 542, 545, 547, 548, 549, 551, 555, 557, 562, 563, 566, 580, 583, 601 through 604, 608, 609, 613, 621, 627, 630, 631, 636, 644, 649, 655, 663, 664, 676, 677, 678, 679, 683, 686 through 689, 691, 693 through 708, 712 through 727, 733, 738, 745 through 749, 751, 753 through 756, 759, 760, 765, 770, 780, 792, 798, 801, 804, 806 through 826, 828 through 834, 836 through 842, 844, 846, 850, 851, 854, 858, 861, 865, 873, 875, 876, 878, 890, 891, 894, 911, 915 through 918, 920, 921, 925, 927, 928, 929, 930, 935, 939, 943, 946, 947, 956, 960, 963, 966, 978, 981, 1012, 1019, 1022, 1023, 1026, 1033, 1034, 1035, 1049, 1055, 1061, 1063, 1066, 1078, 1080, 1085, 1086, 1102, 1110, 1113, 1114, 1127, 1130, 1134, 1135, 1136, 1138, 1140, 1141, 1143, 1202, 1243, 1246, 1282, 1296, 1298, 1303, 1306, 1320, 1323, 1332, 1351, 1431, 1437, 1443, 1444, 1445, 1448, 1451, 1456, 1462, 1463, and 1465)

Response: The Department agrees and thanks the commenters for the input.

176. **Comment:** The commenters stated that students do not value State assessments and therefore, the tests do not provide a realistic snapshot of student knowledge. (121, 302, 333, 484, 1184, 1225, 1229, and 1315)

Response: The Department has heard from educators and students across the State that student motivation is poorly aligned with State assessment graduation requirements. This sentiment has been voiced by not just advanced learners who lack the motivation to perform well on State assessments, but also students who struggle with tests, are new to the country, or have responsibilities at home. Beginning with the spring 2019 administration, the Department shortened each Statewide assessment by approximately 25 percent and reduced the number of required Statewide assessments in high school. The Department expects that reducing the number of hours students spend taking Statewide assessments will increase instructional time throughout the year and enable school districts to reallocate resources and to better support students' academic needs.

177. **Comment:** The commenters stated that students do not value the assessments due to over testing. (80, 81, 86, 160, 177, 374, 951, 1058, 1069, 1239, 1261, and 1374)

Response: Please see the response to Comment 176 above.

178. **Comment:** The commenters stated that testing causes anxiety for both students and educators. (5, 80, 136, 149, 150, 161, 203, 205, 214, 216, 222, 226, 240, 241, 280, 290, 379, 392, 401, 464, 572, 575, 710, 773, 796, 845, 868, 910, 1121, 1139, 1182, 1223, 1245, 1272, 1299, 1332, 1395, 1407, 1430, and 1452)

Response: The Department is focused on the well-being of New Jersey's students and is committed to evaluating the impact on students throughout the development of the next generation of State assessments. During Phase 1 of its assessment outreach, the Department heard about how policies shaped student experiences across the State. In consideration of this feedback, the Department identified the reduction in testing as one way to be responsive. The Department shortened each Statewide assessment (grades three through eight and high school) by approximately 25 percent, beginning with the spring 2019 administration. The Department remains committed to ensuring that policies are crafted in the best interests of students.

179. **Comment:** The commenters stated that testing takes away from classroom instruction time. (5, 28, 65, 80 through 84, 88, 89, 91 through 96, 98, 99, 102, 106, 108, 111, 112, 113, 116, 117, 121, 124, 125, 127, 129, 130, 131, 133, 134, 135, 137, 139, 142, 144, 145 through 151, 154, 158, 163, 164, 166, 169, 170, 172, 175, 176, 177, 180, 181, 182, 184, 189, 191, 192, 194, 195, 199, 200, 201, 204, 207, 210, 211, 213, 214, 215, 217, 218, 220, 223, 224, 225, 229, 231, 233, 234, 235, 240, 241, 243, 245, 247 through 250, 252, 253, 256, 257, 259 through 262, 264 through 269, 274 through 277, 280, 283 through, 290, 296 through 299, 301, 303, 305, 306, 309, 310, 312 through 317, 319 through 322, 327, 328, 330, 332, 334, 335, 337 through 343, 346, 347, 350, 354, 355, 358, 359, 360, 362, 364, 365, 366, 368, 369, 370, 372, 374, 377, 378, 380, 382, 383, 384, 386, 388, 389, 391, 393, 394, 396 through 406, 408, 411, 412, 416 through 419, 421 through 424, 426, 427, 428, 430 through 433, 436, 437, 438, 443, 444, 446 through 451, 453, 455, 457, 458, 461, 463, 465, 466, 469, 470 through 473, 477, 479, 481, 483 through 486, 490 through 493, 495, 496, 498 through 501, 504, 506, 509, 521, 522, 524, 529, 530, 531, 533, 540, 541, 543 through 549, 551, 552, 555, 563, 565, 566, 568, 570, 579, 584, 585, 588, 592, 593, 595, 597, 598, 600 through 604, 607 through 611, 613, 624, 626,

627, 630 through 633, 637, 641 through 644, 649, 650, 655, 662, 664, 665, 668, 675, 677, 678, 680, 683, 687, 688, 689, 691 through 713, 718, 721, 724, 728, 729 through 742, 747 through 751, 753 through 756, 758, 759, 760, 764, 765, 780, 781, 784, 786, 789, 790, 792, 798, 801, 803, 805 through 811, 813 through 826, 828 through 854, 856, 860, 861, 865, 869, 872, 874, 875, 878, 879, 883, 884, 885, 890, 891, 894, 906, 911, 915, 917, 918 through 921, 926, 927, 929, 933, 939, 943, 944, 945, 947, 950, 951, 952, 954, 955, 956, 958, 959 through 964, 966, 967, 968, 981, 1000, 1001, 1012, 1018, 1019, 1022, 1023, 1026, 1028, 1029, 1033, 1034, 1035, 1037, 1038, 1041, 1042, 1043, 1045, 1046, 1047, 1051, 1052, 1054, 1057, 1060, 1062, 1063, 1065, 1066, 1069, 1070, 1073, 1076, 1080, 1084, 1085, 1087, 1090, 1092, 1095, 1099, 1102, 1103, 1109, 1110, 1111, 1113, 1114, 1121, 1122, 1124, 1125, 1130, 1131, 1134, 1136, 1137, 1138, 1140, 1141, 1143, 1144, 1146, 1150, 1152, 1156, 1157, 1158, 1162 through 1167, 1170, 1171, 1172, 1177, 1181, 1182, 1184, 1185, 1188, 1189, 1190, 1202, 1203, 1208, 1209, 1210, 1215, 1216, 1220, 1221, 1226, 1228 through 1231, 1235, 1238, 1239, 1240, 1246, 1249, 1253, 1256, 1257, 1261, 1263, 1267, 1268, 1270, 1279, 1285, 1296, 1297, 1298, 1302 through 1307, 1310, 1314, 1317, 1318, 1320, 1324, 1325, 1326, 1329, 1334, 1340, 1346, 1347, 1348, 1350, 1351, 1359, 1360, 1363, 1364, 1365, 1367, 1368, 1371 through 1374, 1376, 1380, 1381, 1386, 1387, 1388, 1390, 1392, 1393, 1399, 1401, 1404, 1405, 1410, 1414 through 1417, 1420, 1421, 1423, 1425, 1428 through 1433, 1435, 1437, 1446, 1448, 1449, 1451, 1455, 1456, 1460, 1461, and 1462)

Response: The Department maintains that Statewide assessments, which are mandated by State and Federal law, are a valuable tool for understanding student performance related to the NJSLs in schools and school districts across the State. Nevertheless, Statewide assessments are a single component of the multiple measures that educators utilize to obtain comprehensive insight into students' overall performance and achievement. The Department's transition from the current Statewide assessment program to the next generation of Statewide assessments will be informed by best practices and research and will minimize unnecessary disruption to student learning.

Beginning with the spring 2019 administration, the Department shortened each Statewide assessment (grades three through eight and high school) by approximately 25 percent and reduced the number of required Statewide assessments in high school. The Department expects that reducing the number of hours students spend taking Statewide assessments will increase instructional time throughout the year and enable school districts to reallocate resources and to better support students' academic needs. Significant efforts are also being made to support the use of Statewide assessment results and local sources of information through the implementation of the CAR framework, which assists school districts in implementing the NJSLs and preparing students to master the skills that are measured by the NJSLA in ELA, mathematics, and science.

180. **Comment:** The commenters stated that an increase in the amount of required Statewide assessments is toxic to the State's educational environment and will negatively affect students, schools, and the State. (80 through 96, 98, 99, 102, 103, 1165, and 1360)

Response: The proposed amendments that are being presented to the State Board for adoption reduce the amount of time in testing, as well as the number of tests students are required to take.

- 181. Comment:** The commenters stated that educators have lost the ability to effectively and creatively teach necessary curriculum and skills to students due to the emphasis on preparing students for Statewide assessments. (80, 102, 107, 112, 119, 146, 162, 205, 222, 227, 235, 251, 254, 260, 266, 291, 300, 308, 319, 338, 345, 349, 351, 371, 372, 375, 376, 384, 385, 394, 426, 432, 434, 435, 441, 462, 470, 499, 521, 539, 541, 575, 588, 618, 650, 652, 683, 697, 710, 711, 728, 763, 770, 772, 779, 786, 844, 864, 868, 885, 888, 985, 990, 1001, 1028, 1032, 1043, 1045, 1046, 1049, 1050, 1052, 1053, 1057, 1061, 1081, 1084, 1088, 1097, 1107, 1166, 1177, 1182, 1199, 1241, 1258, 1265, 1304, 1342, 1349, 1375, 1438, and 1444)

Response: The Department is committed to the importance of exposing students to diverse content knowledge and will work with educators to provide guidance on how content can be integrated into the teaching of ELA, mathematics, and science skills. Nonetheless, Federal and State law require the Statewide assessments that are being adopted. The Department's transition from the current Statewide assessment program to the next generation of Statewide assessments is informed by best practices and research and will minimize unnecessary disruption to student learning. The Department is committed to ensuring that all students have access to high-quality instruction and expects that the proposed rulemaking at adoption level will enable school districts to reallocate resources and to better support students' needs.

- 182. Comment:** The commenters stated that funding used for State assessments can be better utilized by school districts for students. (80, 128, 155, 163, 171, 188, 226, 255, 261, 289, 298, 353, 359, 377, 385, 413, 423, 425, 436, 460, 484, 537, 634, 639, 731, 744, 750, 1021, 1074, 1079, 1087, 1093, 1094, 1225, 1233, 1260, 1303, 1320, 1337, and 1430)

Response: The Department thanks the commenters for the input.

- 183. Comment:** The commenters stated that standardized testing is a poor use of students' time. (80, 528, 568, 687, 688, 689, 1018, 1185, 1227, 1381, 1404, and 1426)

Response: The Department maintains that Statewide assessments, which are mandated by State and Federal law, are a valuable tool for understanding student performance in schools and school districts across the State. Statewide assessments are a single component of the multiple measures that educators utilize to obtain comprehensive insight into students' overall performance and achievement in relation to the NJSLs. The Department's transition from the current Statewide assessment program to the next generation of Statewide assessments is informed by best practices and research and will minimize unnecessary disruption to student learning.

- 184. Comment:** The commenters expressed concern about testing's role in student burnout. (80, 309, 1202, and 1344)

Response: The Department is focused on the well-being of New Jersey’s students and is committed to evaluating the impact on students throughout the development of the next generation of State assessments. During Phase 1 of its assessment outreach, the Department heard about how policies shaped student experiences across the State. In consideration of this feedback, the Department identified the reduction in testing as one way to be responsive. The Department shortened each Statewide assessment (grades three through eight and high school) by approximately 25 percent, beginning with the spring 2019 administration. The Department remains committed to ensuring that policies are crafted in the best interests of students.

- 185. Comment:** The commenters stated that students who take tests for entrance into higher education institutions should not be required to take an additional Statewide assessment for graduation. **(258 and 1075)**

Response: State law (N.J.S.A 18A:7C-6) requires a State assessment to be administered for graduation. However, the Department is proposing that students who take the State assessment, but do not demonstrate proficiency may avail themselves of a menu of substitute competency tests, such as the SAT and ACT.

- 186. Comment:** The commenters indicated that students and educators need clarity on the State assessment requirements. **(80, 109, 111, 129, 131, 133, 134, 135, 142, 146, 158, 176, 182, 194, 200, 210, 220, 224, 233, 234, 249, 265, 267, 268, 271, 285, 287, 288, 289, 299, 306, 309, 313, 317, 320, 328, 347, 350, 362, 366, 378, 388, 389, 393, 396, 398, 403, 406, 412, 417, 418, 424, 428, 446, 449, 450, 455, 471, 472, 486, 490, 495, 506, 540, 541, 555, 563, 612, 621, 687, 688, 689, 694, 713, 747, 748, 749, 751, 765, 788, 801, 804 through 843, 845, 1132, 1178, 1196, and 1464)**

Response: The Department agrees that notice to stakeholders regarding any changes to New Jersey Administrative Code that impact the administration of the Statewide assessment program must be clearly communicated in a timely manner. The Department is committed to providing timely information to all stakeholders regarding the status of the Department’s proposed rulemaking at adoption level and, therefore, State graduation assessment requirements after the September 8, 2021, State Board meeting.

- 187. Comment:** The commenters indicated that State assessments are difficult for students to understand and, therefore, to complete in a timely manner. **(80 and 100)**

Response: State assessments measure the knowledge and skills that students are expected to have as specified by the NJSLs. The Department is making significant efforts to support school districts in using the CAR framework, which assists school districts in implementing the NJSLs and preparing students to master the skills that are measured by the NJSLA in ELA, mathematics, and science.

- 188. Comment:** The commenters stated that State graduation assessment requirements change often, are too complex, and require more clarity. **(109, 299, 632, 803, 1122, 1247, 1316, and 1407)**

Response: Please see the response to Comment 186.

- 189. Comment:** The commenter stated that many postsecondary schools are moving away from the use of standardized tests in the admissions process. (143, 149, 482, 499, 1030, and 1420)

Response: The Department thanks the commenters for the input.

- 190. Comment:** The commenters stated that ELLs are especially over tested and their testing should be reduced. (74, 80, 511, 581, 612, 634, 635, 666, 788, 789, 790, 1033, 1034, 1064, 1065, 1066, 1067, 1068, 1071, 1167, and 1236)

Response: ESSA mandates that states administer assessments to all students annual statewide assessments aligned to states' academic content standards in reading/language arts and mathematics in grades three through eight and once in high school. ESSA also requires science assessments once in each grade span (grades three to five, six to nine, and 10 to 12) for all students and annual English language proficiency assessments in kindergarten through grade 12 for all English learners. Beginning with the spring 2019 administration, the Department shortened each Statewide assessment (grades three through eight and high school) by approximately 25 percent and reduced the number of required Statewide assessments in high school. The Department expects that reducing the number of hours students spend taking Statewide assessments will increase instructional time throughout the year and enable school districts to reallocate resources and to better support students' academic needs.

The Department's proposed rulemaking at adoption level codifies the Federal allowance for first-year ELLs to be excluded from one administration of the ELA Statewide assessment, which reduces testing for ELLs.

- 191. Comment:** The commenter stated that first-year ELLs should be allowed to be exempt from the mathematics assessment as is allowed for ELA. (105)

Response: Under ESSA, newly arrived ELLs must participate in the Statewide assessments for mathematics and science. ESSA allows first-year ELLs to be excluded from only one administration of the reading/language arts Statewide assessment. The Statewide assessments in mathematics and science are available in Spanish.

- 192. Comment:** The commenters stated that results from State assessments are not released in time to inform instruction. (110, 113, 278, 286, 320, 725, 826, 1238, 1261, and 1404)

Response: NJSLA results are meant to provide summative information that can be used to inform decisions regarding curriculum and instruction within school districts. NJSLA results are not meant to be a formative or diagnostic assessment and, therefore, are provided to school districts on a rolling basis over the summer. With this timing, State assessment results can inform curricular decisions, resources, and promote conversations about the strengths and weaknesses of grade- and school-level instruction for the following school year. The Department will consider the comment as it transitions the current Statewide assessment program to the next generation of Statewide assessments.

- 193. Comment:** The commenter stated that the State does not offer enough supports to school districts regarding State assessments. **(279)**

Response: The Department delivers mandatory annual training for district test coordinators, which provides guidance regarding the implementation of the Statewide assessment system. Additionally, the Department provides test coordinator and test administration manuals that outline best practices and required activities related to the administration of State assessments. In 2019, a [new support website was established](#) for the NJSLA in ELA, mathematics, and science. The website houses all guidance and support materials in one place for ease of access. The Department is committed to making continual improvements based on feedback.

- 194. Comment:** The commenter stated that the computer-based format of Statewide assessments does not allow for student interactions with teachers or other students. **(199)**

Response: The Department must ensure that the Statewide assessments are administered securely and with fidelity across all school districts to ensure valid measurement of student performance. For this reason, students should not be interacting with educators or other students while taking the Statewide assessments, unless interaction with a test administrator is required by a specific accommodation or accessibility feature.

- 195. Comment:** The commenters stated that the computer-based format of Statewide assessments is very difficult for students to follow. **(197, 207, 233, and 1465)**

Response: Throughout its assessment outreach, the Department heard from individuals both in favor of, and opposed to, computer-based assessments. The Department maintains that computer-based Statewide assessments provide for accessibility features and accommodations that are not possible on paper-based assessments and, therefore, provide more students with access to the assessment content, which better allows the State to measure student proficiency on the NJSLs. Additionally, the National Assessment of Educational Progress (NAEP) and postsecondary entrance exams, such as the SAT and ACT, are now taking advantage of the benefits of computer-based assessments.

- 196. Comment:** The commenters stated that the focus on standardized testing has led to an overemphasis on teaching ELA and mathematics to the detriment of the sciences and social sciences. **(254, 715, and 1335)**

Response: State and Federal law requires testing in ELA, mathematics, and science. However, the NJSLs address [nine content areas](#) (Visual and Performing Arts, Comprehensive Health and Physical Education, Science, Social Studies, Computer Science and Design Thinking, World Languages, and Career Readiness, Life Literacies, and Key Skills, English Language Arts, and Mathematics) and school districts are required to develop and align curricula to all areas of the NJSLs. School districts control local schedules and instructional decisions. In 2019, the Department reduced Statewide assessment time to help school districts to reallocate resources to better support students' academic needs. The Department remains committed to maintaining high expectations

for all students, complying with Federal requirements, and, most importantly, considering the needs of all students in a variety of subject areas.

- 197. Comment:** The commenter expressed support for returning to a paper format for Statewide assessments since computer-based assessments have negative impacts on students. **(1465)**

Response: Throughout its assessment outreach, the Department heard from individuals both in favor of, and opposed to, computer-based assessments. The Department maintain that computer-based Statewide assessments provide for accessibility features and accommodations that are not possible on paper-based assessments, and therefore provide more students with access to the assessment content, which better allows the State to measure student proficiency on the NJSLs. Additionally, NAEP and postsecondary entrance exams, such as the SAT and ACT, utilize computer-based assessments, as do an increasing number of employers and colleges. When New Jersey first administered a computer-based assessment in 2015, 99.4 percent of students completed the assessment using a computer.

- 198. Comment:** The commenters expressed concern regarding the technological issues that result from the administration of computer-based Statewide assessments. **(80, 1223, 1256, and 1376)**

Response: When New Jersey first administered a computer-based assessment in 2015, 99.4 percent of students completed the assessment using a computer. The technology and infrastructure in school districts around the State have improved since 2015 and student accessibility to devices and technology has grown significantly. In the fall of 2020, the Department created a [website](#) to track the number of students who still needed a device and/or connectivity. The State's overall goal has been to eradicate all outstanding needs; school district leaders have been working tirelessly throughout the State to do so. On [March 10, 2021](#), Governor Murphy and the Department announced that the digital divide has been closed, and that all public school districts report that their students now has the technology needed to connect with their classroom online.

To help provide equitable access to technology across the State, the Department will continue to offer supports to all school districts in their efforts to provide students with a 21st century learning environment.

- 199. Comment:** The commenter urged for the Department to eliminate the science assessment because it does not count toward high school graduation. **(109)**

Response: ESSA mandates that states administer to all students annual statewide science assessments once in each grade span (grades three to five, six to nine, and 10 to 12) . To meet the Federal requirement, New Jersey assesses science in grades five, eight, and 11.

- 200. Comment:** The commenters urged the State Board and the Department to listen to educator, student, and stakeholder voices during the decision-making process regarding the proposed amendments. **(80, 92, 219, 238, 371, 681, 863, 910, 1086, 1087, 1355, 1432, and 1460)**

Response: Since the original amendments were proposed in 2018, the Department and the State Board have received and considered hundreds of stakeholder voices. During Phase 1 of its assessment outreach in 2018, the Department heard from 2,363 New Jersey residents across every county and received more than 3,200 suggestions for improvements to the Statewide assessment system. During Phase 2 of assessment outreach in 2019, the Department met with 243 practitioners from 151 school districts across all 21 counties. Throughout the annual design, implementation, and reporting process for State assessments, the Department will continue to engage with stakeholders.

- 201. Comment:** The commenters stated that schools and school districts should be reporting data to the State during the course of the school year for an effective growth model, instead of utilizing data from a summative assessment. **(80 and 406)**

Response: ESSA specifically requires states to administer the same summative assessment system to all students. New Jersey’s Statewide assessments have undergone the federally required peer-review process, which ensures that assessments are a reliable and valid measure of student performance related to NJSLs. Statewide assessments provide a standardized tool that allows for an accurate comparison of data from across the State. State assessments are a single component of the multiple measures that educators utilize to obtain comprehensive insight into students’ overall performance and achievement.

- 202. Comment:** The commenter requested alternate measures for students graduating high school. **(774)**

Response: The Department’s proposed rulemaking at adoption level will continue to provide students with multiple pathways to earn a high school diploma, including substitute competency tests and the portfolio appeals process.

- 203. Comment:** The commenter expressed the importance of social-emotional health of students and whole-child education. **(80, 294, 732, 800, 818, 1029, and 1286)**

Response: The Department thanks the commenters for the input.

- 204. Comment:** The commenters stated that only teachers should be able to use assessment results. **(80 and 1283)**

Response: The Department maintains that Statewide assessments, which are mandated by State and Federal law, are a valuable tool for understanding student performance in relation to the NJSLs in schools and school districts across the State. State and Federal law also require the Department to use Statewide assessments and other measures to identify, through accountability systems, which schools and school districts require the most support and resources.

- 205. Comment:** The commenters stated that curriculum standards and continuing education for teachers is more important than testing. **(100, 138, 593, 1285, and 1309)**

Response: The Department agrees that continuing education for teachers and the curriculum standards are important. The Department is committed to supporting educators to assist them in implementing the NJSLA and preparing students to master the skills that are measured by the NJSLA in ELA, mathematics, and science. For example, the Department continues to publish teacher-created resources such as instructional units and prerequisite skills and concepts to help educators develop NJSLA-aligned curriculum and instruction. The Department maintains that Statewide assessments, which are mandated by State and Federal law, are a valuable tool for understanding student performance in schools and school districts across the State. Statewide assessments are a single component of the multiple measures that educators utilize to obtain comprehensive insight into students' overall performance and achievement in relation to the NJSLA. The Department uses Statewide assessments and other measures to identify which schools and school districts require the most support and resources.

- 206. Comment:** The commenters expressed concern regarding the impact of State assessments on a student's future education. **(80, 1078, 1219, 1243, and 1403)**

Response: The Department maintains that Statewide assessments, which are mandated by State and Federal law, are a valuable tool for understanding student performance in schools and school districts across the State. Nevertheless, Statewide assessments are a single component of the multiple measures that educators utilize to obtain comprehensive insight into students' overall performance and achievement.

- 207. Comment:** The commenters expressed concern regarding students being properly prepared for State assessments. **(80, 1182, 1206, 1396, and 1435)**

Response: The Department is making significant efforts to support the use of Statewide assessment results and local sources of information through the implementation of the CAR framework, which assists school districts in implementing the NJSLA and preparing students to master the skills that are measured by the NJSLA in ELA, mathematics, and science.

- 208. Comment:** The commenters expressed concern about kindergarten students being tested. **(80 and 1434)**

Response: Under State law, district boards of education cannot mandate commercially developed standardized assessments for students in kindergarten through grade two outside of the scope of State and Federal law; therefore, students are not administered Statewide assessments until grade three. However, ESSA requires States to administer annual English language proficiency assessments in kindergarten through grade 12 for all English learners. All other Federally mandated assessments are required to be administered in grade 3 or above.

- 209. Comment:** The commenters suggested using PSAT scores to replace the NJSLA. **(1278, 1279, and 1282)**

Response: Federal law does not currently provide that flexibility. ESSA mandates that states administer to all students annually Statewide assessments aligned to states'

academic content standards in reading/language arts, mathematics, and science. ESSA specifically requires states to administer the same assessment system to all students. The Department is exploring all flexibilities afforded by ESSA and will continue to seek stakeholder input during the transition from the current Statewide assessment program to the next generation of Statewide assessments.

- 210. Comment:** The commenter stated that younger students should be able to sit for high school graduation assessments. **(1280)**

Response: State statute (N.J.S.A. 18A:7C-1, 2, 3, 4, 6 and 6.1) requires 11th grade students to take a graduation assessment requirement. For Federal and State accountability purposes, younger students may take high-school level end-of-course assessments. On December 21, 2017, the Department received a [waiver from the United States Department of Education](#) to permit middle school students who take advanced courses to take the aligned high school assessments. This waiver permits middle school students who have completed Algebra I, Geometry, or Algebra II to take the high school end-of-course assessment instead of the middle school grade-level mathematics assessment. This waiver is in effect through the 2020-2021 school year. The waiver will not affect the administration of the State graduation proficiency test as the waiver applies only to high school end-of-course assessments.

- 211. Comment:** The commenter urged the State Board and the Department to continue to examine the State graduation requirements and explore multiple and equitable pathways for graduation. **(6)**

Response: The Department remains committed to maintaining high expectations for all students, complying with Federal requirements, and maintaining multiple and equitable pathways to meeting graduation assessment requirements.

- 212. Comment:** The commenter stated that No Child Left Behind (NCLB) should have been installed to help students. **(80)**

Response: The Statewide assessment program is aligned to the requirements set forth in ESSA, which replaced NCLB in 2015 as the reauthorization of the ESEA.

- 213. Comment:** The commenter stated that high school mathematics curriculum and assessments should move away from being Algebra-based and, instead, create courses in quantitative literacy and statistics to reduce the number of students who require remedial mathematics courses in postsecondary work. **(132)**

Response: The NJSLs in mathematics require students to learn statistics and development of quantitative literacy and curricula. Coursework and day-to-day instruction is determined at the school district and school levels.

- 214. Comment:** The commenter stated that the NJSLs require updates and revisions. **(396)**

Response: In June 2020, the State Board adopted the [revised NJSLs](#) in all content areas except ELA and mathematics, which were most recently adopted by the State Board in

May 2016. The revisions to the seven content areas that were presented to the State Board earlier this year incorporate new statutory provisions, where appropriate.

- 215. Comment:** The commenters stated that standardized tests are not equitable and fair for all students, including ELLs, students with IEPs and 504s, and students of different socioeconomic statuses. (5, 80, 92, 121, 127, 135, 143, 161, 188, 196, 197, 206, 235, 240, 250, 272, 325, 326, 393, 504, 508, 533, 668, 690, 743, 744, 772, 777, 785, 786, 787, 790, 803, 897, 1020, 1024, 1032, 1036, 1037, 1072, 1084, 1089, 1133, 1176, 1200, 1386, 1418, and 1439)

Response: The Department remains committed to maintaining high expectations for all students and, most importantly, considering their needs. New Jersey's Statewide assessments have undergone the federally required peer-review process, which ensures that assessments are a reliable and valid measure of student performance related to the NJSLS. In addition, New Jersey educators are part of the bias and sensitivity review process that the Department coordinates as a standard operating procedure for all assessments in accordance with best practices in large scale assessments.

The Statewide assessment program is designed to incorporate the maximum number of accommodations that are appropriate for a student to utilize during a Statewide assessment and that do not negatively impact the accurate measurement of performance. Accommodations on an assessment are intended to facilitate access to the content for students who require them. The Department provides training to school districts on providing accessibility features and accommodations for students during the Statewide assessments. A manual on the accessibility features and accommodations that may be used by students during the Statewide assessments is also available [for further information](#).

Universal design is a foundational aspect of assessment development. The purpose of universally designed assessments is to provide access for the greatest number of students during assessment, and to minimize the need for individualized design or accommodations. Universal design acknowledges differences among individuals and that a range of methods and materials are needed to measure learning and for accurate assessment to occur.

- 216. Comment:** The commenters stated that testing causes undue anxiety for students with disabilities because the State assessments do not have appropriate modifications. (218, 238, 325, 792, 1185, 1411, 1412, and 1462)

Response: The Statewide assessment program is designed to incorporate the maximum number of accommodations that are appropriate for a student to utilize during a Statewide assessment and that do not negatively impact the accurate measurement of performance. Accommodations on an assessment are intended to facilitate access to the content for students who require them. The Department provides training to school districts on providing accessibility features and accommodations for students during the Statewide assessments. A manual on the accessibility features and accommodations that may be

used by students during the Statewide assessments is also available [for further information](#).

- 217. Comment:** The commenters stated that Statewide assessments cause students to be deprived of the testing accommodations contained in their IEPs. (184, 204, 245, 290, 447, 485, 1037, 1076, 1080, and 1188)

Response: Please see the response to Comment 216.

- 218. Comment:** The commenters stated that State assessments negatively impact students with disabilities. (197, 305, 407, 410, 430, 433, 758, 785, 792, 1100, 1173, 1226, 1331, and 1417)

Response: The Statewide assessment program is designed to incorporate the maximum number of accommodations that are appropriate for a student to utilize during a Statewide assessment and that do not negatively impact the accurate measurement of performance. Accommodations on an assessment are intended to facilitate access to the content for a students who require them. The Department provides training to school districts on providing accessibility features and accommodations for students during the Statewide assessments. A manual on the accessibility features and accommodations that may be used by students during the Statewide assessments is also available [for further information](#).

- 219. Comment:** The commenters opposed the use of State assessment scores in teacher evaluations. (140, 205, 333, 484, 776, 795, 1162, 1326, and 1389)

Response: Educator evaluations, including the requirement to include Statewide assessment results, are governed by State statute (N.J.S.A. 18A:6-123) and N.J.A.C. 6A:10. See the response to Comment 49 for additional information.

- 220. Comment:** The commenters asked for consideration for New Jersey educator job fairness. (859 and 1044)

Response: The Department appreciates the feedback; however, the comment is outside the scope of the current rulemaking.

- 221. Comment:** The commenters asked for additional curriculum to allow New Jersey students the ability to be on par with students in the rest of the world. (80 and 185)

Response: The Department appreciates the feedback; however, the comment is outside the scope of the current rulemaking.

- 222. Comment:** The commenters stated that students require more hands-on learning to prepare them for the real world. (80, 272, 275, 283, 289, 321, 395, 465, 470, 882, 1415, 1427, 1436, and 1438)

Response: The Department appreciates the feedback; however, the comment is outside the scope of the current rulemaking.

223. Comment: The commenter urged for more history to be placed in the curriculum in lieu of additional science, technology, engineering, and mathematics (STEM) requirements. **(225)**

Response: The Department appreciates the feedback; however, the comment is outside the scope of the current rulemaking.

224. Comment: The commenters stated that fewer people are entering or staying in the teaching profession due to the focus on standardized testing. **(441, 476, and 684)**

Response: The Department appreciates the feedback; however, the comment is outside the scope of the current rulemaking.

225. Comment: The commenter suggested there should be more emphasis on students getting recess every day. **(80)**

Response: The Department appreciates the feedback; however, the comment is outside the scope of the current rulemaking.

226. Comment: The commenter opposed the use of test scores to earn financial support for school districts. **(80)**

Response: The Department appreciates the feedback; however, the comment is outside the scope of the current rulemaking.

227. Comment: The commenters stated that trade and vocational schools need additional promotion for the best interest of students and communities. **(607 and 1341)**

Response: The Department appreciates the feedback; however, the comment is outside the scope of the current rulemaking.

228. Comment: The commenter stated that classrooms are over-crowded. **(80)**

Response: The Department appreciates the feedback; however, the comment is outside the scope of the current rulemaking.

229. Comment: The commenters expressed support for the ESP Job Justice bill. **(672, 673, and 674)**

Response: The comment is outside the scope of the current rulemaking.

230. Comment: The commenter expressed support for Assembly Bill 4957. **(1281)**

Response: The comment is outside the scope of the current rulemaking.

4. **Comments Received upon Publication of Notice of Proposed Substantial Changes upon Adoption to Proposed Amendments at N.J.A.C. 6A:8-1.3, 4.1, and 5.1**

231. **Comment:** The commenter expressed support for the amendments proposed in the second notice of substantial changes upon adoption. The commenter stated that the State Board of Education’s Assessment Committee reviewed and endorsed the amendments. The commenter also thanked the Department for its effort and time spent on the rulemaking. (C)

Response: The Department thanks the commenter for the support.

232. **Comment:** The commenter urged the State Board of Education to promptly adopt the provisions of N.J.A.C. 6A:8 as amended in the proposed notice of substantial changes upon adoption to provide fair notice and certainty to high school students and educators. The commenter stated that the proposal recognizes the individual goals and related pathways that students need to meet their post-secondary goals by providing a range of pathways for high school students to demonstrate proficiency of the high school graduation requirements. The commenter also expressed support for the continuation of the sitting requirement for students to access the alternative assessments as a graduation pathway because the alternative assessments are relevant to students and provide useable data for school districts. (1507)

Response: The Department thanks the commenter for the support.

233. **Comment:** The commenter stated that the proposed amendments in the notice of substantial changes upon adoption are consistent with the commenter’s past testimony that called for an aligned, high-quality system of learning based on the NJSLS, quality curriculum, and a multi-faceted assessment system to support instruction. The commenter also stated that the proposal provides notice, fairness, and multiple pathways for students to demonstrate that they have met State assessment standards for graduation. (1507)

Response: The Department thanks the commenter for the support.

234. **Comment:** The commenter expressed support for the availability of the portfolio process to students who sit for the State graduation proficiency test but do not pass it or do not meet the requirement through an alternative assessment because not all students perform their best on standardized assessments. The commenter also stated the sitting requirement for the portfolio appeals makes sense as a basic screener and precursor to the portfolio process. The commenter further stated that, by maintaining the sitting requirement for the State graduation proficiency test, schools and educators will continue to strive to meet every student’s instructional needs to prepare all students to meet New Jersey’s standards for graduation. (1507)

Response: The Department thanks the commenter for the support.

235. **Comment:** The commenter supported the continued availability of alternate assessment options such as the SAT, PSAT, Armed Services Vocational Aptitude Battery (ASVAB) and Accuplacer for students who do not pass the State graduation proficiency test. (1507)

Response: The Department thanks the commenter for the support.

- 236. Comment:** The commenter stated that the Department’s proposal continues to provide important data points in ELA and mathematics, including geometry, within the robust and comprehensive system of assessment that exists in New Jersey’s schools. **(1507)**

Response: The Department thanks the commenter for the support.

- 237. Comment:** The commenter supported the proposed amendments at N.J.A.C. 6A:8 and stated the changes will aid the State's efforts to transition to the next generation of assessments while maintaining compliance with State and Federal law. The commenter also stated that these changes will continue to give educators, parents, and other stakeholders the information needed to determine alignment and proficiency with the NJSLs, while maintaining vital graduation pathways. **(1503)**

Response: The Department thanks the commenter for the support.

- 238. Comment:** The commenter stated that assessments should do the following: be an accurate, valid, and reliable measure of whether a student has mastered the NJSLs; measure skills appropriate for graduation; provide the school district, the school, and the teaching staff with information that can be used to identify a need for remedial intervention, as well as the opportunity for advanced or accelerated work; and be designed to ensure that all students have the opportunity, assistance, and incentives to meet the NJSLs. **(1503)**

Response: Please see response to Comment 43.

- 239. Comment:** The commenter stated that district boards of education should be able to set local graduation requirements that complement those of the State. The commenter also stated that all students who meet local and State graduation requirements should be granted a State-endorsed diploma. The commenter further stated that the State should provide alternative methods of achieving State and Federal requirements for graduation such as the portfolio assessment. **(1503)**

Response: School districts are required to establish graduation requirements that align with State law and N.J.A.C. 6A:8-5.1. The Department’s proposed rulemaking at adoption level will continue to provide students with multiple pathways to earn a high school diploma, including substitute competency tests and the portfolio appeals process.

The Department’s proposed rulemaking at adoption level allows students who by 12th grade have met all credit, curriculum, and attendance requirements and have taken, but not passed, the State graduation proficiency test to participate in the portfolio appeal process. The Department’s proposed rulemaking at adoption level will maintain, per State law, the portfolio appeals process and will codify that the menu of options cannot be accessed without sitting for the State graduation proficiency test.

- 240. Comment:** The commenter recommended that the State graduation proficiency test be administered in the fall (November) to provide as much time as possible for student

remediation efforts, if needed. The commenter also stated that junior year is a time of many challenges for students and would not be the ideal year for graduation testing, absent the requirement in State statute. (1507)

Response: The Department is currently scheduled to administer the State graduation proficiency assessment in spring 2022. The Department will work to expand the opportunities for students to be able to participate in State graduation proficiency assessment in future statewide assessment administration windows.

- 241. Comment:** The commenter recommended that the State strengthen and incorporate the portfolio process within high school coursework to provide an equitable pathway to graduation while alleviating a separate burden on students who do not pass the State graduation proficiency test. (1507)

Response: Please see the response to Comment 132.

- 242. Comment:** The commenter urged the Department to address the timeliness of data in any new assessment contract to ensure that teachers and other educators receive assessment data as soon as possible. The commenter also urged the Department to address the issue of timely transmission of data between school districts and other states, since educators often do not receive in a timely manner the past performance data for transfer students, ELLs, and out-of-State students. (1507)

Response: Please see the response to Comment 133.

- 243. Comment:** The commenter urged the collaborative development of an implementation timeline with input from educational stakeholders and the field to ensure a smooth transition to a new assessment. (1507)

Response: Please see the response to Comment 134.

- 244. Comment:** The commenter urged the continuation of State-level discussion on assessment, including the exploration of innovative approaches to assessment that are being explored in other states. The commenter also suggested that the Department explore reciprocity between states to permit state assessment results to follow the student. (1507)

Response: Please see the response to Comment 135.

- 245. Comment:** The commenter urged the State Board to reject the proposal because the requirement for students to sit for and fail the State graduation proficiency test prior to gaining access to the portfolio appeals process in the 12th grade is unethical and inequitable. (5)

Response: All students in New Jersey's public schools are expected to participate in the Statewide assessment program according to the schedule established by the Commissioner. There is no opt-out provision in State statute.

The Department's proposed rulemaking at adoption level will continue to provide students with multiple pathways to earn a high school diploma, including substitute competency tests and the portfolio appeals process. The Department's proposed rulemaking at adoption level allows students who by 12th grade have met all the credit, curriculum, and attendance requirements and have taken, but not passed, the State graduation proficiency test to participate in the portfolio appeal process. The Department's proposed rulemaking at adoption level will maintain, per State law, the portfolio appeals process and will codify that the menu of options cannot be accessed without sitting for the State graduation proficiency test.

- 246. Comment:** The commenters urged the Department to eliminate the requirement for students to sit for and fail the State graduation proficiency test prior to gaining access to the portfolio appeals process in the 12th grade. The commenters stated that the requirement is unethical and inequitable. **(1508 through 2123)**

Response: All students in New Jersey's public schools are expected to participate in the Statewide assessment program according to the schedule established by the Commissioner. There is no opt-out provision in State statute or at N.J.A.C. 6A:8.

The Department's proposed rulemaking at adoption level will continue to provide students with multiple pathways to earn a high school diploma, including substitute competency tests and the portfolio appeals process. The Department's proposed rulemaking at adoption level allows students who by 12th grade have met all the credit, curriculum, and attendance requirements and have taken, but not passed, the State graduation proficiency test but to participate in the portfolio appeal process. The Department's proposed rulemaking at adoption level will maintain, per State law, the portfolio appeals process and will codify that the menu of options cannot be accessed without sitting for the State graduation proficiency test.

- 247. Comment:** The commenters stated that, when the portfolio process is the most appropriate approach for students, requiring them to continually fail harms their mental health, self-worth, and future success. The commenters also stated that research continually shows the negative impact that exit test requirements have upon students. **(1508 through 2123)**

Response: The State graduation proficiency test is required at N.J.S.A. 18A:7C-1, 2, 3, 4, 6, and 6.1.

- 248. Comment:** The commenters stated that the April 7, 2021, version of the proposed regulations at N.J.A.C. 6A:8 includes a substantial change from the previous version presented to the State Board on October 21, 2019. The commenters also stated that a substantial change requires public review, consideration, and comment prior to adoption. The commenters further stated that the Department and the State Board must honor the process of public review and comment prior to adoption and allow the public to comment on any substantial change, even when the overwhelming public perspective conflicts with the current, and continually shifting, perspective of the Department and State Board. **(1508 through 2123)**

Response: To provide greater clarity regarding the proposed graduation assessment requirements for the classes of 2023, 2024, and 2025, the Department provided time for public input on additional changes upon adoption. The second notice of substantial changes upon adoption, which contained new clarifying amendments to five regulations, was published in the June 7, 2021, New Jersey Register (53 N.J.R. 982(a)) and the comment period ended August 6, 2021. The second notice of proposed substantial changes can be found [online](#).

- 249. Comment:** The commenters urged the State Board to reject the proposal because the sitting requirement for the portfolio appeals pathway was added without adequate explanation by the Department. The commenters stated that during the public discussion of the proposal in October 2019, the Department was asked why there was no sitting requirement proposed for the portfolio. The commenters also stated that the Department responded by citing the statute’s requirement that seniors who had not yet passed the State proficiency test be given a non-standardized alternative assessment. The commenters further stated that the Department later proposed changes that “upon adoption will clarify that students must take the State graduation proficiency test before accessing the corresponding substitute competency test and/or the portfolio appeals process.” The commenters stated that change is substantial rather than a “clarification” as stated by the Department. **(7 and 1508 through 2123)**

Response: To provide greater clarity regarding the proposed graduation assessment requirements for the classes of 2023, 2024, and 2025, the Department provided time for public input on additional changes upon adoption, which addresses the commenter’s concern. The second notice of substantial changes upon adoption, which contained new clarifying amendments to five regulations, was published in the June 7, 2021, New Jersey Register (53 N.J.R. 982(a)) and the comment period ended August 6, 2021. The second notice of proposed substantial changes can be found [online](#).

- 250. Comment:** The commenter urged the State Board to reject the proposal as it would impose new graduation rules on students who are entering their junior year of high school, which, the commenter stated, violates the State’s long-established standard for “due notice” of such changes. The commenter stated that students in the class of 2023 will be entering their junior year in September and did not receive notice of their graduation requirements upon entering high school because the State Board failed to adopt new rules in a timely fashion after the previous rules were struck down by the Appellate Division. **(7)**

Response: As the commenter is making a legal assertion regarding “due notice” that does not apply to the regulation or statute, the Department declines to respond.

- 251. Comment:** The commenter stated that it is not fair to students and their families, or sound educational policy, to impose new graduation requirements, including a new State test that has not undergone field testing or standard setting, this late in students’ high school careers. **(7)**

Response: The State graduation proficiency test will be constructed from items that have been previously field tested during prior Statewide assessment administrations. Additionally, the assessment development process will include a standards validation.

252. **Comment:** The commenter urged the State Board to reject the proposal because the proposed amendments would place new restrictions on access to multiple pathways to satisfy the graduation assessment requirement by requiring students to sit for the State graduation proficiency test in grade 11. The commenter also stated that any student who opts out of the graduation assessment will not be able to graduate under the proposed rules, which will affect many New Jersey high school students who use the alternate pathways to meet the graduation assessment requirement. The commenter further stated that the proposal will have a significant, negative impact on the State’s graduation rate. (7)

Response: All students in New Jersey’s public schools are expected to participate in the Statewide assessment program according to the schedule established by the Commissioner. There is no opt-out provision in State statute.

The Department’s proposed rulemaking at adoption level will continue to provide students with multiple pathways to earn a high school diploma, including substitute competency tests and the portfolio appeals process. The Department’s proposed rulemaking at adoption level allows students who by 12th grade have met all the credit, curriculum, and attendance requirements and have taken, but not passed, the State graduation proficiency test to participate in the portfolio appeal process. The Department’s proposed rulemaking at adoption level will maintain, per State law, the portfolio appeals process and will codify that the menu of options cannot be accessed without sitting for the State graduation proficiency test.

253. **Comment:** The commenter urged the State Board to reject the proposal because the proposed rules do not restore the opportunities to meet the graduation assessment requirement that students in the classes of 2023, 2024, and 2025 lost due to the COVID-19 public health emergency and the resulting cancellation of State and alternate assessments. The commenter also stated that the proposal places new restrictions on the remaining opportunities for meeting the graduation assessment requirement. (7)

Response: Under the Department’s revised rulemaking, the classes of 2023, 2024, and 2025 will also be able to utilize a non-standardized, portfolio appeals option or a menu of substitute competency tests. However, students will be required to take the State graduation proficiency test before accessing the substitute competency tests or portfolio appeals process.

254. **Comment:** The commenter urged the State Board to reject the proposal because the sitting requirement for accessing the portfolio appeals pathway is questionable, as N.J.S.A. 18A:7C-3 does not provide any conditions for eligibility on taking other assessments. The commenter stated that, in striking down the previous assessment rules, the Appellate Division acknowledged that “the plain language of N.J.S.A. 18A:7C-3 establishes that any twelfth-grade student who has not passed the graduation proficiency

exam but who has satisfied all other ‘credit, curriculum and attendance requirements shall be eligible for’ the alternative assessment. (7)

Response: N.J.S.A. 18A:7C-6 states that “the State graduation proficiency test shall be administered to all 11th grade pupils and to any 11th or 12th grade pupil who has previously failed to demonstrate mastery of State graduation proficiency standards on said test.” Therefore, the Department has aligned its proposal with the requirements of State statute. Current State law requires an exit exam that ensures that students are equipped with the knowledge and skills they need to be successful in their postsecondary opportunities.

- 255. Comment:** The commenters stated that the unnecessary barriers that categorize children as “successful” or “unsuccessful” need to be removed for the State to transition to a stronger, fairer, and more just education system. The commenters also stated that all children are worthy of opportunity and that they need to be supported, encouraged, and prepared for whatever post-secondary path -- college or career -- they wish to take. (1508 through 2123)

Response: The Department remains committed to maintaining high expectations for all students, complying with State and Federal requirements, and, most importantly, considering the needs of all students. Nevertheless, State assessments are a single component of the multiple measures that educators utilize to obtain comprehensive insight into students’ overall performance and achievement. Beyond Statewide assessments, the Department sets rigorous academic standards in nine content areas and graduation requirements to ensure that students are prepared for postsecondary opportunities.

- 256. Comment:** The commenter opposed the proposed changes at N.J.A.C. 6A:8 because they will cause unnecessary harm to English language learners’ (ELLs) mental and emotional health, with potential long-term consequences. (1505)

Response: The Department is focused on the well-being of New Jersey’s students and is committed to evaluating the impact on students throughout the development of the next generation of State assessments.

The Department's proposed rulemaking at adoption level meets the Federal requirements under ESSA, which mandates that states administer to all students Statewide assessments aligned to states’ academic standards in reading/language arts and mathematics in grades three through eight and once in high school. ESSA also requires states to administer science assessments once in each grade span (grades three to five, six to nine, and 10 to 12) for all students and annual English language proficiency assessments in kindergarten through grade 12 for all ELLs.

The Department’s proposed rulemaking at adoption level also meets the State statutory requirements to administer a State graduation proficiency test.

- 257. Comment:** The commenters asked the Department to consider carefully the requirement for students to take the State graduation proficiency test before accessing the portfolio

appeals process because ELLs have the highest dropout rate in New Jersey. The commenters also stated that research and data verify that ELLs at English language proficiency levels one, two, and three cannot demonstrate what they know on a standardized test and require the accommodations laid out in the portfolio process. The commenters further stated that multilingual learners have the highest rate of success in meeting graduation requirements using the portfolio process. (1677, 1698, 1702, 1733, 1783, and 1796)

Response: The Department’s proposed rulemaking at adoption level codifies the Federal allowance for first-year ELLs to be excluded from one administration of the Statewide assessment for ELA, which reduces testing for ELLs.

Grade 11 ELLs who are in their first year in a United States school will be exempt from taking the ELA section of the State graduation proficiency assessment, and will be able to avail themselves of the menu of substitute proficiency assessments or portfolio appeals process for ELA in grade 12.

- 258. Comment:** The commenter stated that ELLs face challenges to graduate. The commenter also stated that during this school year amidst a pandemic, ELLs were the only population that were required to take standardized assessments (ACCESS for ELLs). (1928)

Response: The Department remains committed to supporting school districts so they, in turn, can best support students. N.J.S.A. 18A:7C-6 states that “the State graduation proficiency test shall be administered to all 11th grade pupils and to any 11th or 12th grade pupil who has previously failed to demonstrate mastery of State graduation proficiency standards on said test.” Therefore, the Department has aligned its proposal with the requirements of State statute. Current State law requires an exit exam that ensures that students are equipped with the knowledge and skills they need to be successful in their postsecondary opportunities.

The ESSA mandates that states administer to all students Statewide assessments aligned to states’ academic standards in reading/language arts and mathematics in grades three through eight and once in high school. The ESSA also requires states to administer science assessments once in each grade span (grades three to five, six to nine, and 10 to 12) for all students and annual English language proficiency assessments in kindergarten through grade 12 for all ELLs.

On [March 18, 2021](#), the Department requested a waiver for the administration of all Statewide assessments from the United States Department of Education (USED) for the 2020-2021 school year as required under the ESSA. USED responded on [April 6, 2021](#) and did not waive requirements to administer the ACCESS for ELLs or Dynamic Learning Maps assessments, as required under the ESSA.

- 259. Comment:** The commenters asked the Department to eliminate the inequitable requirement for ELLs to sit for and fail the State graduation proficiency test prior to gaining access to the portfolio process in the 12th grade. (1677, 1698, 1702, 1733, 1783,

2068)

Response: The Department remains committed to supporting school districts so they, in turn, can best support students. N.J.S.A. 18A:7C-6 states that “the State graduation proficiency test shall be administered to all 11th grade pupils and to any 11th or 12th grade pupil who has previously failed to demonstrate mastery of State graduation proficiency standards on said test.” Therefore, the Department has aligned its proposal with the requirements of State statute.

Current State law requires an exit exam that ensures that students are equipped with the knowledge and skills they need to be successful in their postsecondary opportunities. Since 2017, the Department has explained that remediation does not have to be delivered through a “remedial course” (see for example, a Department memo from [August 8, 2017](#), providing multiple options for types of remediation support). The Department will continue to provide educators with tools to improve data-driven decision making and aligned instruction.

- 260. Comment:** The commenters urged the State Board to adopt the originally proposed regulations, which allow students to go directly to a portfolio review without having to first sit for the State graduation proficiency test. The commenter stated that requiring students to take the test before accessing the portfolio review is inequitable. The commenters further also stated that students have struggled through the COVID-19 pandemic along with adults and families. **(1501, 2072 and 2125)**

Response: All students in New Jersey’s public schools are expected to participate in the Statewide assessment program according to the schedule established by the Commissioner. There is no opt-out provision in State statute.

The Department’s proposed rulemaking at adoption level will continue to provide students with multiple pathways to earn a high school diploma, including substitute competency tests and the portfolio appeals process. The Department’s proposed rulemaking at adoption level allows students who by 12th grade have met all the credit, curriculum, and attendance requirements and have taken, but not passed, the State graduation proficiency test to participate in the portfolio appeal process. The Department’s proposed rulemaking at adoption level will maintain, per State law, the portfolio appeals process and will codify that the menu of options cannot be accessed without sitting for the State graduation proficiency test.

- 261. Comment:** The commenter urged the State Board to oppose the proposed graduation regulations because students who have met all other graduation requirements should be allowed to go directly to the portfolio appeals process when deemed appropriate by parents and educators, as provided in the originally proposed regulations. The commenter further stated that to denying direct access to portfolio appeals is poor public policy, and that numerous testimonies in support of keeping the direct access to portfolio appeals have been provided to the State Board for consideration. **(1178)**

Response: All students in New Jersey’s public schools are expected to participate in the

Statewide assessment program according to the schedule established by the Commissioner. There is no opt-out provision in State statute.

The Department's proposed rulemaking at adoption level will continue to provide students with multiple pathways to earn a high school diploma, including substitute competency tests and the portfolio appeals process. The Department's proposed rulemaking at adoption level allows students who by 12th grade have met all the credit, curriculum, and attendance requirements and have taken, but not passed, the State graduation proficiency test to participate in the portfolio appeal process. The Department's proposed rulemaking at adoption level will maintain, per State law, the portfolio appeals process and will codify that the menu of options cannot be accessed without sitting for the State graduation proficiency test.

- 262. Comment:** The commenter urged that the State Board reject the proposed graduation rules because this school year is not the optimal time to administer a new graduation assessment to grade 11 students. The commenter also stated that this process should include adequate advance notice for families and a well-thought-out plan for testing alternatives for students, when necessary. The commenter further stated that the focus for schools and school districts now should be on recovering from the impacts of the COVID-19 pandemic. **(1502)**

Response: The amended consent order approved by the Appellate Division applied the graduation assessment requirements applicable to the class of 2019 to graduates through the class of 2022. Students in the classes of 2023 through 2025 will be required to take the State graduation proficiency test in grade 11. The class of 2023 is the first class that will sit for the State graduation proficiency test and will take the test in the 2021-2022 school year. The Department's proposed rulemaking at adoption level will continue to provide students with multiple pathways to earn a high school diploma, including substitute competency tests and the portfolio appeals process. If students do not demonstrate proficiency on the test, they must be offered the opportunity for remediation and to retake the State graduation proficiency test. Students who do not pass the State graduation proficiency test may use passing results from an assessment on the menu of substitute competency tests, or may avail themselves of the portfolio appeals process.

- 263. Comment:** The commenter expressed opposition to requiring high school students graduating in 2023 and beyond to sit for the State graduation proficiency test, as opposed to potentially satisfying graduation requirements with a single alternative test like the SAT or ACT. The commenter stated that students should have varied options to meet the graduation requirements based on their individual skill sets. The commenter also stated that the State should not impose a one-size-fits-all test requirement before students can utilize the pathways available for graduation. The commenter also urged the Department maintain the requirements that were available to students in the classes of 2021 and 2022. **(1504)**

Response: The amended consent order approved by the Appellate Division applied the graduation assessment requirements applicable to the class of 2019 to graduates through the class of 2022. Students in the classes of 2023 through 2025 will be required to take

the State graduation proficiency test in grade 11. The class of 2023 is the first class that will sit for the State graduation proficiency test and would take the test in the 2021-2022 school year. The Department's proposed rulemaking at adoption level will continue to provide students with multiple pathways to earn a high school diploma, including substitute competency tests and the portfolio appeals process. If students do not demonstrate proficiency on the test, they must be offered the opportunity for remediation and to retake the State graduation proficiency test. Students who do not pass the State graduation proficiency test may use passing results from an assessment on the menu of substitute competency tests, or may avail themselves of the portfolio appeals process.

- 264. Comment:** The commenter stated that exit testing for high school diplomas is a failed policy that does not help students who pass them and negatively impacts students who do not take them. (7)

Response: See the response to Comment 168.

- 265. Comment:** The commenter stated that this is an opportune time to review and replace the New Jersey statute that mandates diploma testing. The commenter also stated that New Jersey should follow suit of other states that have repealed exit-testing policies. (7)

Response: See the response to Comment 96.

- 266. Comment:** The commenter stated that, when the portfolio process is the most appropriate approach for students, requiring them to continually fail harms their mental health, self-worth, and future success. The commenter also stated that research continually shows the negative impact that exit test requirements have upon students, and that after a year and a half of pandemic-related challenges, subjecting students to additional testing will only further these issues. (5)

Response: The State graduation proficiency test is required at N.J.S.A. 18A:7C-1, 2, 3, 4, 6, and 6.1. The Department's proposed rulemaking at adoption level allows students who by 12th grade have met all the credit, curriculum, and attendance requirements and have taken, but not passed, the State graduation proficiency test to participate in the portfolio appeal process. The Department's proposed rulemaking at adoption level will maintain, per State law, the portfolio appeals process and will codify that the menu of options cannot be accessed without sitting for the State graduation proficiency test.

- 267. Comment:** The commenter stated that standardized tests, in general, are "a joke." The commenter also stated that students with anxiety freeze up and fail and the proposal will set up students for failure. The commenter further questioned the need to add standardized tests when students have enough anxiety by worrying about passing classes due to the COVID-19 pandemic. (1552)

Response: The Department is focused on the well-being of New Jersey's students and is committed to evaluating the impact on students throughout the development of the next generation of State assessments. Beginning with the initial assessment outreach in 2018 and throughout ongoing stakeholder outreach, the Department heard about how policies shaped student experiences across the State. In consideration of this feedback, the

Department identified the reduction in testing as one way to be responsive. The Department shortened each Statewide assessment (grades three through eight and high school) by approximately 25 percent, beginning with the spring 2019 administration.

The Department's proposed rulemaking at adoption level meets the Federal requirements under the ESSA, which mandates that states administer to all students Statewide assessments aligned to states' academic standards in reading/language arts and mathematics in grades three through eight and once in high school. The ESSA also requires states to administer science assessments once in each grade span (grades three to five, six to nine, and 10 to 12) for all students and annual English language proficiency assessments in kindergarten through grade 12 for all English learners. The Department's proposed rulemaking at adoption level also meets the State statutory requirements to administer a State graduation proficiency test.

- 268. Comment:** The commenter stated that a program for gifted and talented students purposely does not use grades or testing within the curriculum because of the damage they cause to students who are afraid of failing and, therefore, do not think outside of the box. The commenter also stated that lower-end students feel failure and the Department's proposal will force the students to fail and then utilize a portfolio, instead of celebrating what they have learned. The commenter further stated the policy is damaging to students and unnecessary. **(1553)**

Response: The State graduation proficiency test is required at N.J.S.A. 18A:7C-1, 2, 3, 4, 6, and 6.1. The Department's proposed rulemaking at adoption level allows students who by 12th grade have met all the credit, curriculum, and attendance requirements and have taken, but not passed, the State graduation proficiency test to participate in the portfolio appeal process. The Department's proposed rulemaking at adoption level will maintain, per State law, the portfolio appeals process and will codify that the menu of options cannot be accessed without sitting for the State graduation proficiency test.

- 269. Comment:** The commenter inquired whether the Department has a budget to advertise the comment period for the second notice of substantial change upon adoption. **(1506)**

Response: The Department issued two press releases ([May 5, 2021](#) and [June 7, 2021](#)) and [one broadcast](#) regarding this comment period. The Department also sent information to individuals who have signed up to receive the State Board of Education's agendas and other communications.

- 270. Comment:** The commenter urged the State Board to reject the proposal because it would require the Department to expend significant staff and financial resources to create a new 11th-grade test and it will stretch the Department's capacity. The commenter also stated that the State graduation proficiency test will be added to an already-crowded Statewide assessment calendar for the 2021-2022 school year. **(7)**

Response: This comment is outside of the scope of the notice of proposed substantial changes upon adoption.

271. Comment: The commenter recommended that the graduation testing requirement be suspended for the class of 2023 due to the lost opportunities for students to satisfy it during the COVID-19 public health emergency. **(7)**

Response: This comment is outside of the scope of the notice of proposed substantial changes upon adoption.

272. Comment: The commenter asked whether the Department has a budget to advertise a press statement issued by the Education Law Center, or to have the statement translated into Spanish. **(1506)**

Response: This comment is outside of the scope of the notice of proposed substantial changes upon adoption.

Full text of the proposal follows (addition to *existing* rule text indicated in boldface **thus**; deletion to *existing* rule text indicated in brackets [thus]):

Chapter 8, Standards and Assessment

Subchapter 1. General Provisions

6A:8-1.3 Definitions

The following words and terms shall have the following meanings when used in this chapter unless the context clearly indicates otherwise.

“Accommodations or modifications to the Statewide assessment system” means changes in testing procedures or formats that provide students with disabilities and English language learners (ELLs) an equitable opportunity to participate in assessment and demonstrate their knowledge and skills in the areas assessed.

“ACTFL” means the American Council on the Teaching of Foreign Languages.

“Adult education assessment test” means a test approved by the United States Department of Education that is used to award a State-issued high school diploma.

“Advanced Placement courses” means courses aligned with course descriptions provided by the College Board and intended to provide students with the opportunity to complete college-level studies during secondary school.

"All students" means every student enrolled in public elementary, secondary, and adult high school education programs within the State of New Jersey, including general education students, students with disabilities, and English language learners (ELLs).

“Alternative **State** assessment for students with disabilities” means the alternative assessment used to determine cumulative student achievement of the knowledge and skills specified by the

New Jersey Student Learning Standards for students with disabilities who are unable to participate in the Statewide assessment system.

“Annual measurable objectives” or “AMOs” means the performance targets set by New Jersey in the Elementary and Secondary Education Act (ESEA) flexibility waiver approved by the United States Department of Education.

“Approved private schools for the disabled” means incorporated entities approved by the Department according to N.J.A.C. 6A:14-7.2 or 7.3 to provide special education and related services to students with disabilities who have been placed by the district board of education or charter school responsible for providing their education.

"Assessment" means a State-developed or State-approved standardized instrument or process that measures student performance levels on the New Jersey Student Learning Standards.

“Career awareness, exploration, and preparation” means instruction and programs that assist students to clarify career goals; explore career possibilities; develop employability skills; develop foundational knowledge necessary for success in the workplace; and make the transition from school to careers, including college, training, and employment.

“Career and technical education” means as defined in N.J.A.C. 6A:19-1.2.

“Charter school” means as defined in N.J.A.C. 6A:11-1.2.

“Chief school administrator” means the superintendent of schools or the administrative principal who works directly with the district board of education if there is no superintendent in the school district.

“CLEP” means College-Level Examination Program, which enables students to receive college credit by earning qualifying scores on examinations that are offered by the College Board and cover material taught in courses most students take as requirements in the first two years of college. A college usually grants the same amount of credit to students earning satisfactory scores on the CLEP examination as it grants to students successfully completing the course.

“Content equivalent” means courses or activities that include the same or equivalent knowledge and skills as found in traditionally titled courses that are required for high school graduation and are aligned with the New Jersey Student Learning Standards. The content must be taught by certified teachers, may be integrated in one or more courses, may be titled differently, or may present material in an interdisciplinary or spiral format.

“Credit” means the award for the equivalent of a class period of instruction, which meets for a minimum of 40 minutes, one time per week during the school year or as approved through N.J.A.C. 6A:8-5.1(a)2.

“Cut score” means a score on the assessment scales that demarcates the various performance levels.

“ELL” means English language learner, indicating a person who is in the process of acquiring English and has a first language other than English. ELLs sometimes are referred to as limited English proficient (LEP).

“English language development standards” means as defined in N.J.A.C. 6A:15-1.2.

“Evaluation,” formerly called “monitoring,” means the process by which the Commissioner or his or her designee evaluates the status of each school district or charter school.

“504 plan” means a written educational plan prepared by the 504 team for a 504 student.

“504 student” means a student who has a physical or mental impairment that substantially limits a major life function; has been determined eligible for services, including accommodations and modifications by the school district’s 504 team; and has a 504 plan.

“504 team” means a group of persons that makes program and placement decisions according to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and 34 CFR § 104.35(c).

“GED” means tests of General Educational Development taken in order to qualify for a State-issued high school diploma.

“Gifted and talented students” means students who possess or demonstrate high levels of ability in one or more content areas when compared to their chronological peers in the local school district and who require modifications of their educational program if they are to achieve in accordance with their capabilities.

“IEP” means individualized education program as defined in N.J.A.C. 6A:14-1.3.

“IEP team” means as defined in N.J.A.C. 6A:14-1.3.

“Indicator” means statements that further delineate the NJSLs.

“Individualized student learning opportunities” means student experiences based upon specific instructional objectives that meet or exceed the NJSLs at the high school level. Such opportunities may occur in all NJSLs and may include, but are not limited to, independent study; online learning; study-abroad programs; student exchange programs; and structured learning experiences, including, but not limited to, work-based programs, internships, apprenticeships,

and service learning experiences. The opportunities shall be based on student interests and career goals.

“Instructional adaptation” means an adjustment or modification to instruction enabling students with disabilities, ELLs, or students in alternative education programs or who are gifted and talented to participate in, benefit from, and/or demonstrate knowledge and application of the NJSLs.

“Interdisciplinary connections” means integrating NJSLs and skills from one or more content areas into instruction and assessment of another content area.

“Laboratory/inquiry-based science course” means a course in which students are systematically provided with ongoing opportunities to use data drawn from or to interact directly with the natural and designed/engineered world, using tools, data collection techniques, models, and scientific concepts and principles.

“Magnet program” means a distinctive program designed to:

1. Attract students by offering a specialized curriculum based on a special theme or method of instruction; and
2. Substantially strengthen the knowledge of academic subjects and the attainment of tangible and marketable vocational, technological, and professional skills of students attending the program.

“MOPI” means the ACTFL Modified Oral Proficiency Interview, which is a standardized assessment of functional speaking ability often used to test lower proficiency ranges.

“Native language” means the language or mode of communication first learned by the student.

“New Jersey Student Learning Standards” or “NJSLs” means standards adopted by the State Board of Education on May 1, 1996, and as thereafter revised by the State Board, and the Common Core State Standards adopted by the State Board on June 16, 2010, and as thereafter revised by the State Board, that describe the knowledge and skills all New Jersey students are expected to acquire by benchmark grades in the following areas: English language arts; mathematics; science; social studies; visual and performing arts; comprehensive health and physical education; world languages; technology; and 21st career life and careers. The standards are established for the provision of a thorough and efficient education pursuant to N.J.S.A. 18A:7F-46 and as a basis for the evaluation of school districts in accordance with N.J.A.C. 6A:30.

“OPI” means the ACTFL Oral Proficiency Interview, which is a standardized assessment of functional speaking ability currently available in 37 world languages.

"Pacing guide" means a schedule that includes aligned concepts, topics and skills related to a particular curriculum to be addressed over a defined period of time. It is not a prescriptive, lock-step set of lesson plans that impede an educator's ability to exercise flexibility in meeting students' learning needs.

“PARCC assessment” means the set of assessments designed by the Partnership for Assessment of Readiness for College and Careers **that was used from the 2014-2015 through 2017-2018 school years** to determine student achievement of knowledge and skills specified by the NJSLs in English language arts and mathematics.

“Performance level” means one of several categories describing student proficiency with regard to the achievement of the NJSLs.

“Personalization” means enabling students to build and strengthen relationships with peers, teachers, other staff members, families, and the community at large through multiple strategies that promote engagement and high expectations based on individual interests and aptitudes, and that are conducive to successful teaching and learning experiences.

“Personalized Student Learning Plan” means a formalized plan and process that involves students setting learning goals based on personal, academic, and career interests, beginning in the middle school grades and continuing throughout high school with the close support of adult mentors, including teachers, counselors, and parents.

“Portfolio appeals process” means an alternative assessment of proficiency for graduation established by the Commissioner, **pursuant to N.J.S.A. 18A:7C-3**, utilizing techniques and instruments other than PARCC **English language arts (ELA) 10 or Algebra I** assessments, **the State graduation proficiency test**, or substitute competency tests.

“Professional development” means a comprehensive, sustained, and intensive approach to improving the effectiveness of teachers, principals, and other school personnel in raising student achievement.

“Proficient” or “proficiency” means a student-achieved score at or above the cut score, which demarks a solid understanding of the content measured by an individual section of any State assessment.

“QSAC” means the Quality Single Accountability Continuum, which is used pursuant to N.J.A.C. 6A:30 to review and evaluate school district operations.

“Rehabilitation Act” means the Federal Rehabilitation Act of 1973, 29 U.S.C. §§ 701 et seq., as

amended in 1992.

“Service learning experience” means a method that allows students or participants to learn and develop through active participation in thoughtfully organized activities that are conducted in and meet the needs of a community, and that help foster civic responsibility. Service learning experiences shall be coordinated with the community and with an elementary or secondary school, institution of higher education, or community-services program; shall be integrated into and enhance the school district’s academic curriculum; and shall provide structured time for students to reflect on the service experience.

“STAMP” means Standards-based Measurement of Proficiency, which is a test that is delivered, graded, and reported online, and that assesses students’ language proficiency from the “Novice-Low” to the “Intermediate-Mid” benchmark levels.

“Standards support materials” means documents published by the Department that include and elaborate on the NJSLs for preschool through grade 12 education, and that may assist in the development of local curricula.

“State Board” means the New Jersey State Board of Education.

“State-endorsed diploma” means a locally-issued document awarded to an exiting student indicating successful completion of high school graduation requirements.

“State graduation proficiency test” means a State assessment that is aligned, at a minimum, to the New Jersey Student Learning Standards (NJSLs) for ELA 10, Algebra I, and Geometry and administered pursuant to N.J.S.A. 18A:7C-1, 2, 3, 4, 6, and 6.1. For students eligible to utilize the alternative means in accordance with N.J.A.C. 6A:8-5.1(g)1

to meet the graduation assessment requirement, the State graduation proficiency test shall also include the substitute competency test, which is an alternative set of third-party assessments approved by the Commissioner that may include, but are not limited to, the SAT, PSAT, ACT, ACT-Aspire, Armed Services Vocational Aptitude Battery-Armed Forces Qualifying Test (ASVAB-AFQT), or Accuplacer.

“State-issued high school diploma” means a diploma issued by the State of New Jersey.

“State Seal of Biliteracy” means the designation established pursuant to P.L. 2015, c. 303, to recognize high school graduates who have attained a high level of interpretive, interpersonal, and presentational proficiency in one or more languages in addition to English.

“Structured learning experience” means as defined in N.J.A.C. 6A:19-1.2.

“Study abroad programs” means programs that enable New Jersey students to attend a high school in another country for a semester or full academic year to acquire academic and cross-cultural skills that will help them live and work in a globally interdependent world.

“Substitute competency test” means, **for students in the classes of 2018 through 2022**, an alternative set of third-party assessments approved by the Commissioner, including, but not limited to, the SAT, PSAT, ACT, ACT-Aspire, **Armed Services Vocational Aptitude Battery-Armed Forces Qualifying Test (ASVAB-AFQT)**, or Accuplacer, that can be used to demonstrate competency in the NJSLs for students who have not demonstrated proficiency on **PARCC ELA 10 or Algebra I assessments or the ELA or mathematics components of the State graduation proficiency test.**

"Technological literacy" means students meeting NJSLs 8.1 Educational Technology, obtained

through the integration of effective educational technology practices, strategies, and tools throughout all curricular areas.

“Transcript” means a document for all students exiting the public education system that describes a student’s progress toward achievement of the NJSLS and other relevant experiences and achievements.

“Twenty-first century careers” means careers and occupations that have been impacted by technological and global forces and are in an ongoing state of reinvention due to technological advances and e-commerce.

“Twenty-first century themes and skills” means themes such as global awareness; financial, economic, business, and entrepreneurial literacy; civic literacy; health literacy; learning and innovation skills, including creativity and innovation, critical thinking and problem solving, and communication and collaboration; information, media, and technology skills; and life and career skills, including flexibility and adaptability, initiative and self-direction, social and cross-cultural skills, productivity and accountability, and leadership and responsibility.

Subchapter 3. Implementation of The New Jersey Student Learning Standards

6A:8-3.1 Curriculum and instruction

- (a) District boards of education shall ensure that curriculum and instruction are designed and delivered in such a way that all students are able to demonstrate the knowledge and skills specified by the NJSLS and shall ensure that appropriate instructional adaptations are designed and delivered for students with disabilities, for ELLs, for students enrolled in alternative education programs, and for students who are gifted and talented.

1. The Department shall provide district boards of education with Standards support materials that suggest a variety of activities and strategies that may assist in the development of local curricula aligned with the NJSLS.
2. District boards of education shall encourage the active involvement of representatives from the community, business, industry, labor, and higher education in the development of educational programs aligned with the NJSLS.
3. District boards of education shall be responsible for assessing and publicly reporting on the progress of all students in developing the knowledge and skills specified by the NJSLS, including civics, financial literacy, and all content areas not currently included in the Statewide assessment program.
4. District boards of education shall [be responsible for developing for] **provide** all students with disabilities **an** educational program[s] aligned with the NJSLS, [with appropriate] **as well as the required individualized** accommodations, instructional adaptations, and/or modifications as [determined by the] **specified in a student’s IEP or 504 [team] plan.**
5. District boards of education shall be responsible for identifying gifted and talented students and shall provide them with appropriate instructional adaptations and services.
 - i. District boards of education shall make provisions for an ongoing K-12 identification process for gifted and talented students that includes multiple measures.
 - ii. District boards of education shall provide appropriate kindergarten-through-grade-12 (K-12) educational services for gifted and talented students.

- iii. District boards of education shall develop appropriate curricular and instructional modifications used for gifted and talented students indicating content, process, products, and learning environment.
 - iv. District boards of education shall take into consideration the Pre-K–Grade 12 Gifted Programming Standards of the National Association for Gifted Children in developing programs for gifted and talented students.
 6. District boards of education shall actively assist and support professional development for teachers, educational services staff, and school leaders, including their efforts to meet mandatory professional development requirements specified in N.J.A.C. 6A:9C-3.
 - i. District boards of education shall facilitate the development and implementation by school leaders of professional growth plans aligned with the requirements set forth at N.J.A.C. 6A:9C.
 7. District boards of education shall be responsible for developing for ELLs English language assistance programs that are aligned to the NJSLS and the English language development standards.
- (b) District boards of education shall be responsible for the delivery of educational programs at the elementary and secondary levels using a coherent sequence of activities to prepare all students for college and careers upon their graduation. Examples of such programs include, but are not limited to, academic programs, career and technical education programs, and/or magnet programs.
 1. District boards of education shall implement educational programs that prepare all students for success in college and careers, including the kindergarten through grade

eight development of academic skills integral to success in high school courses.

2. District boards of education of school districts that include students in at least two of the grades from six through 12 shall develop opportunities for personalization that strengthen relationships among students, teachers, staff members, families, and the larger community for students in grades six through 12.

(c) District boards of education shall be responsible for the review and continuous improvement of curriculum and instruction based upon changes in knowledge, technology, assessment results, and modifications to the NJSLs, according to N.J.A.C. 6A:8-2.

1. District boards of education shall include interdisciplinary connections throughout the K-12 curriculum.
2. District boards of education shall integrate into the curriculum 21st century themes and skills.
3. District boards of education shall provide the time and resources to develop, review, and enhance inter-disciplinary connections, supportive curricula, and instructional tools for helping students acquire required knowledge and skills.

The tools include, but are not limited to:

- i. A pacing guide;
- ii. A list of core instructional materials, including various levels of texts at each grade level;
- iii. Benchmark assessments; and
- iv. Modifications for special education students, for ELLs in accordance with N.J.A.C. 6A:15, for students at risk of school failure, and for gifted students.

- (d) District boards of education shall establish procedures whereby any student whose parent or guardian presents to the school principal a signed statement that any or part of the instruction in health, family life education, or sex education is in conflict with his or her conscience or sincerely held moral or religious beliefs shall be excused from that part of the course where such instruction is being given and, pursuant to N.J.S.A. 18A:35-4.7, no penalties shall result.

Subchapter 4. Implementation of The Statewide Assessment System

6A:8-4.1 Statewide assessment system

- (a) The Commissioner, in accordance with N.J.S.A. 18A:7C-1 et seq., and 18A:7E-2 and 3, may implement assessment of student achievement in the State's public schools in any grade(s) and by such assessments as he or she deems appropriate. The Commissioner shall report to the State Board the results of such assessments.
- (b) The Commissioner shall implement a system and related schedule of Statewide assessments to evaluate student achievement of the NJSLs.
1. The Commissioner, with the approval of the State Board, shall define the scope and level of student performance on Statewide assessments that demonstrate thorough understanding of the knowledge and skills delineated by the NJSLs at grade levels three through 12.
 2. After consultation with the Commissioner, the State Board shall establish by resolution uniform Statewide criteria defining adequate school district progress toward meeting the NJSLs.

- (c) District boards of education shall, according to a schedule prescribed by the Commissioner, administer the applicable Statewide assessments, including the following major components: the elementary assessment component for grades three through five; the middle school assessment component for grades six through eight, the high school [end-of-course PARCC] assessment[s] **component**, and the alternative **State** assessment for students with disabilities and provide notification to each student entering grades three through 12 of the Statewide assessment schedule.
1. The Department shall implement the elementary component of the Statewide assessment of the NJSLs consisting of the following:
 - i. Continued administration of mathematics and English language arts in grades three, four, and five, and of science in grade five.
 2. The Department shall implement the middle school component of the Statewide assessment of the NJSLs consisting of the following:
 - i. Continued administration of mathematics and English language arts in grades six, seven, and eight, and of science in grade eight.
 3. The Department shall implement a high school [assessment program] component of the **Statewide assessment of the NJSLs** [that assesses] **consisting of**, at a minimum, English language arts, mathematics, and science [with the exception of the following:], **in accordance with State and Federal law**.
 - [i. Students may receive a waiver from the district board of education from taking the high school end-of-course PARCC assessment in ELA 11 due to the student's participation in another English language/literature college placement assessment during the same school year.]

- (d) Pursuant to (b) and (c) above, all students at grade levels three through 12, and at any other grade(s) designated by the Commissioner pursuant to (a) above, shall take all appropriate Statewide assessments as scheduled.
1. District boards of education shall provide **all** appropriate accommodations or modifications to the Statewide assessment system as specified by the Department for ELLs and students with disabilities as defined in N.J.A.C. 6A:14-1.3 or eligible under Section 504 of the Rehabilitation Act as [determined by the] **specified in a student's IEP or 504 [team] plan.**
 - i. District boards of education may administer the Statewide assessments in mathematics to ELLs in their native language, when available, and/or English.
 - ii. District boards of education shall have the option for a first-year ELL of substituting a Department-approved language proficiency test only for the English language arts [section of the elementary or middle school] component of the Statewide assessment, when the student has entered the United States after [July] **June 1** of the calendar year prior to the test administration.
 2. District boards of education shall ensure students with disabilities as defined in N.J.A.C. 6A:14-1.3 participate in Statewide assessments in accordance with N.J.A.C. 6A:14-4.10.
 3. At specific times prescribed by the Commissioner, district boards of education shall administer the alternative **State** assessment for students with disabilities to students with severe disabilities who cannot participate in other assessments due

to the severity of their disabilities.

- i. The Department shall implement the alternative **State** assessment for students with disabilities according to the schedules in (c)1, 2, and 3 above.
- ii. The alternative **State** assessment for students with disabilities measures the progress of students who have been determined eligible for the alternative **State** assessment for students with disabilities by the IEP team in accordance with N.J.A.C. 6A:14-4.10.
- iii. **The Department shall also implement an approved English language proficiency assessment to measure the progress in English language proficiency of ELLs with an IEP who have been determined eligible by the IEP team for an alternative Department-approved English language proficiency assessment for students with disabilities.**

4. District boards of education shall implement alternative ways for students to demonstrate graduation proficiency in accordance with N.J.A.C. 6A:8-5.1(a)6, (f), (g), (h), or (i), as applicable.

- (e) District boards of education shall be responsible for ensuring the security of all components of the Statewide assessment system that are administered within the school district.

6A:8-4.3 Accountability

- (a) Chief school administrators shall report [preliminary and] final results of annual assessments to district boards of education **and members of the public at a public meeting** within 60 days of receipt of information from the Department.

- (b) [District boards of education] **Chief school administrators** shall provide **educators, parents, and students**[, and citizens] with the results of annual assessments [according to] **as required under N.J.A.C. 6A:8-4.2(a), within 30 days of receipt of information from the Department.**
- (c) District boards of education shall provide appropriate instruction to improve skills and knowledge for students performing below the established levels of student proficiency in any content area either on the Statewide or local assessments.
- (d) All students shall be expected to demonstrate the knowledge and skills of the NJSLS as measured by the Statewide assessment system.

6A:8-4.5 Public reporting

- (a) The Department shall report annually to the State Board and the public on the progress of all students and student subgroups in meeting the NJSLS as measured by the Statewide assessment system by publishing and distributing the Department's annual New Jersey School Report Card in accordance with N.J.S.A. 18A:7E-2 through 5.
- (b) After each test administration, the Department shall report to district boards of education on the performance of all students and of student subgroups.
- (c) The Department shall report performance on the [APA] **alternative State assessment for students with disabilities** with the same frequency and in the same detail as it reports on other Statewide assessments, including school and school district means, and the number and percentage of participating students.
- (d) In public reporting of school and district performance data, the Department shall not compromise the confidentiality of individual students.

Subchapter 5. Implementation of Graduation Requirements

6A:8-5.1 Graduation requirements

- (a) For a State-endorsed diploma, district boards of education shall develop, adopt, and implement local graduation requirements that prepare students for success in post-secondary degree programs, careers, and civic life in the 21st century, and that include the following:
1. Participation in a local program of study of not fewer than 120 credits in courses designed to meet all of the NJSLs, including, but not limited to, the following credits:
 - i. At least 20 credits in English language arts, aligned to grade nine through 12 standards, effective with the 2009-2010 grade nine class;
 - ii. At least 15 credits in mathematics, including algebra I or the content equivalent effective with the 2008-2009 grade nine class; geometry or the content equivalent effective with the 2010-2011 grade nine class; and a third year of mathematics that builds on the concepts and skills of algebra and geometry and that prepares students for college and 21st century careers effective with the 2012-2013 grade nine class;
 - iii. At least 15 credits in science, including at least five credits in laboratory biology/life science or the content equivalent effective with the 2008-2009 grade nine class; one additional laboratory/inquiry-based science course, which shall include chemistry, environmental science, or physics effective with 2010-2011 grade nine class; and one additional laboratory/inquiry-based science course effective with 2012-2013 grade nine class;
 - iv. At least 15 credits in social studies, including satisfaction of N.J.S.A.

- 18A:35-1 and 2; five credits in world history; and the integration of civics, economics, geography and global content in all course offerings;
- v. At least 2.5 credits in financial, economic, business, and entrepreneurial literacy, effective with 2010-2011 grade nine class;
 - vi. At least 3 $\frac{3}{4}$ credits in health, safety, and physical education during each year of enrollment, distributed as 150 minutes per week, as required by N.J.S.A. 18A:35-5, 7 and 8;
 - vii. At least five credits in visual and performing arts;
 - viii. At least five credits in world languages or student demonstration of proficiency as set forth in (a)2ii(2) below;
 - ix. Technological literacy, consistent with the NJSLS, integrated throughout the curriculum; and
 - x. At least five credits in 21st century life and careers, or career-technical education;
2. The 120-credit requirement set forth in (a)1 above may be met in whole or in part through program completion of a range of experiences that enable students to pursue a variety of individualized learning opportunities, as follows:
- i. District boards of education shall establish a process to approve individualized student learning opportunities that meet or exceed the NJSLS.
 - (1) Individualized student learning opportunities in all NJSLS areas include, but are not limited to, the following:
 - (A) Independent study;
 - (B) Online learning;

- (C) Study abroad programs;
 - (D) Student exchange programs; and
 - (E) Structured learning experiences, including, but not limited to, work-based programs, internships, apprenticeships, and service learning experiences.
- (2) Individualized student learning opportunities based upon specific instructional objectives aimed at meeting or exceeding the NJSLS shall:
- (A) Be based on student interest and career goals as reflected in the Personalized Student Learning Plans
 - (B) Include demonstration of student competency;
 - (C) Be certified for completion based on the district process adopted according to (a)2ii below; and
 - (D) Be on file in the school district and subject to review by the Commissioner or his or her designee.
- (3) Group programs based upon specific instructional objectives aimed at meeting or exceeding the NJSLS shall be permitted under this section and shall be approved in the same manner as other approved courses.
- ii. District boards of education shall establish a process for granting of credits through successful completion of assessments that verify student achievement in meeting or exceeding the NJSLS at the high school level, including standards achieved by means of the individualized student

learning opportunities enumerated at (a)2 above. Such programs or assessments may occur all or in part prior to a student's high school enrollment; no such locally administered assessments shall preclude or exempt student participation in applicable Statewide assessments at grades three through 12.

- (1) District boards of education shall choose assessments that are aligned with or exceed the NJSLS and may include locally designed assessments.
 - (2) District boards of education shall choose from among the following assessment options to determine if students have achieved the level of language proficiency designated as Novice-High as defined by the ACTFL and recognized as fulfilling the world languages requirement of the NJSLS:
 - (A) The STAMP online assessment;
 - (B) The OPI or MOPI; or
 - (C) Department-approved locally designed competency-based assessments;
- iii. District boards of education shall establish a process to approve post-secondary learning opportunities that may consist of Advanced Placement (AP) courses, CLEP, or concurrent/dual enrollment at accredited higher education institutions.
- (1) District boards of education shall award credit for successful completion of an approved, accredited college course that assures

achievement of knowledge and skills that meets or exceeds the NJSLs.

3. Local student attendance requirements;
4. Any other requirements established by the district board of education;
5. Any statutorily mandated requirements for earning a high school diploma;
6. The requirement that all students demonstrate proficiency [in the high school end-of-course PARCC assessments in] **by achieving a passing score on the ELA [10] and [Algebra I] mathematics components of the State graduation proficiency test or through the alternative means at (h) below, if applicable or, for students who take the State graduation proficiency test but do not achieve a passing score through the alternative means set forth at [(f) through] (g) and (i) below;**
 - i. **Students in the graduating classes of 2019, 2020, 2021, and 2022 shall be required to demonstrate proficiency by achieving a passing score on the high school end-of-course PARCC assessments in ELA 10 and Algebra I or through the alternative means set forth at (f), (h), and (i) below;**
7. **For students who have not demonstrated proficiency on the ELA and/or mathematics components of the State graduation proficiency test, the opportunity for the following:**
 - i. **Remediation, pursuant to N.J.S.A. 18A:7C-3; and**
 - ii. **One or more additional opportunities to demonstrate proficiency on the State graduation proficiency test, pursuant to N.J.S.A. 18A:7C-6; and**

- [7.] **8.** Students graduating from an adult high school shall demonstrate proficiency in [the high school end-of-course PARCC assessments in] **the** ELA [10] and [Algebra I] **mathematics components of the State graduation proficiency test**, or through the alternative means set forth at (f), [through] **(g), (h), and (i)** below.
- (b) In the development of Personalized Student Learning Plans according to N.J.A.C. 6A:8-3.2(a), district boards of education shall actively encourage all students who have otherwise met the requirements for high school graduation according to (a)1 through 3 above, to include in their programs of study the following additional credits:
1. Five credits in mathematics during each year of enrollment, aimed at preparation for entrance into post-secondary programs or 21st century careers;
 2. Five credits in a laboratory science during each year of enrollment, aimed at preparation for entrance into post-secondary programs or 21st century careers;
 3. Five credits in social studies during each year of enrollment, aimed at preparation for entrance into post-secondary programs or 21st century careers; and
 4. Five credits in world languages during each year of enrollment, aimed at preparation for entrance into post-secondary programs or 21st century careers.
- (c) Through the IEP process **set forth at N.J.A.C. 6A:14-3.7** and pursuant to N.J.A.C. 6A:14-4.11, district boards of education may specify alternate requirements for a State-endorsed diploma for individual students with disabilities as defined in N.J.A.C. 6A:14-1.3.
1. District boards of education shall specifically address any alternate requirements for graduation in a student's IEP, in accordance with N.J.A.C. 6A:14-4.11.
 2. District boards of education shall develop and implement procedures for assessing

whether a student has met the specified alternate requirements for graduation individually determined in an IEP.

- (d) District boards of education shall provide to the executive county superintendent their graduation requirements each year they are evaluated through QSAC and update the filed copy each time their graduation policies are revised.
- (e) District boards of education shall provide each student entering high school and his or her parents or legal guardians with a copy of the district board of education's requirements for a State-endorsed diploma and the programs available to assist students in attaining a State-endorsed diploma, in accordance with N.J.S.A. 18A:7C-5.
- (f) To ensure adequate transition to the new Statewide assessment system, district boards of education shall provide students **in the graduating classes of 2018 through 2022** who have not demonstrated proficiency on the high school end-of-course PARCC assessments in ELA 10 and Algebra I with the opportunity to demonstrate such competence through one of the alternative means set forth below:
 - 1. For the graduating classes of [2016, 2017,] 2018[, and 2019] **through 2022**, students who did not take both the ELA 10 and the Algebra I end-of-course PARCC assessment or who take but do not achieve a passing score on both assessments, as required by [(a)6i] **(a)6** above, may satisfy the State requirement to demonstrate proficiency in English language arts [and] **and/or** mathematics in one of the following ways:
 - i. Achieve a passing score, as determined by the Commissioner, on a corresponding substitute competency test in English language arts and/or mathematics, as applicable, or substitute a passing score on another end-

of-course PARCC assessment, including ELA 9, ELA 11, Geometry, or Algebra II; or

ii. Meet the criteria of the portfolio appeals process[; and].

[2. For the graduating class of 2020 students who take all applicable high school end-of-course PARCC assessments for all courses in which they are enrolled, including those students who received a waiver for ELA 11 pursuant to N.J.A.C. 6A:8-4.1(c)3i, as of September 6, 2016, and thereafter, but do not achieve a passing score on both the ELA 10 and Algebra I end-of-course PARCC assessments pursuant to (a)6 above, may satisfy the State requirement to demonstrate proficiency in English language arts and mathematics in one of the following ways:

i. Achieve a passing score, as determined by the Commissioner, on a corresponding substitute competency test in English language arts and/or mathematics, as applicable, or substitute a passing score on another end-of-course PARCC assessment, including ELA 9, ELA 11, Geometry, or Algebra II; or

ii. Meet the criteria of the portfolio appeals process.]

[(g) Beginning with the graduating class of 2021, students who take all applicable high school end-of-course PARCC assessments for all courses in which they are enrolled, including those students who received a waiver for ELA 11 pursuant to N.J.A.C. 6A:8-4.1(c)3i, as of September 6, 2016, and thereafter, but do not achieve a passing score on both the ELA 10 and Algebra I end-of-course PARCC assessments pursuant to (a)6 above, by the conclusion of their senior year and after multiple opportunities to take the assessments,

may satisfy the State requirement to demonstrate proficiency in English language arts and mathematics by meeting the criteria of the portfolio appeals process.]

(g) For students in the classes of 2023, 2024, and 2025, the alternative means referenced in (a)6 above shall be as follows:

- 1. Achieve a passing score, as determined by the Commissioner and approved by the State Board of Education, on a corresponding substitute competency test in English language arts and/or mathematics, as applicable; and/or**
- 2. Demonstrate proficiency through the portfolio appeals process, pursuant to N.J.S.A. 18A:7C-3.**

(h) All ELLs shall satisfy the requirements for high school graduation, except ELLs may demonstrate they have attained State minimum levels of proficiency through passage of the portfolio appeals process in their native language, when available, and passage of a [Department approved] **Department-approved, English fluency assessment.**

(i) Students, including students with disabilities as defined in N.J.A.C. 6A:14-1.3 or eligible under Section 504 of the Rehabilitation Act who participate in the alternative assessment for students with disabilities, are not required to participate in repeated administrations of high school [end-of-course PARCC] assessment[s] **components required in N.J.A.C. 6A:8-4.1(c).**

(j) For students in the classes of 2019, 2020, 2021, and 2022, the Department shall consider high school end-of-course State assessments to be equivalent to the corresponding high school end-of-course PARCC assessments.

6A:8-5.2 High school diplomas

- (a) District boards of education shall award a State-endorsed high school diploma to prospective graduates who have met all of the requirements adopted in accordance with N.J.A.C. 6A:8-5.1(a) or (c), or (d) below.
- (b) District boards of education shall not issue a high school diploma to any student not meeting the criteria specified in the rule provisions referenced in (a) above.
 - 1. District boards of education shall provide students exiting grade 12 without a diploma the opportunity for continued high school enrollment to age 20 or until the requirements for a State-endorsed diploma have been met, whichever comes first.
 - 2. District boards of education shall allow any out-of-school individual to age 20 who has otherwise met all State and local graduation requirements but has failed to pass [high school end-of-course PARCC assessments] **the State proficiency test** to demonstrate proficiency **through alternative means** as set forth in N.J.A.C. 6A:8-5.1(f) **5.1(a)6 through (i), as applicable**, pursuant to the standards applicable to the student's graduating class. Students in graduating classes prior to [2016] **2018** shall demonstrate proficiency as set forth **for the classes of 2018 through 2022** in N.J.A.C. 6A:8-5.1(f)1. Upon certification of passing the test applicable to the student's class in accordance with this chapter, a State-endorsed diploma shall be granted by the high school of record.
- (c) Pursuant to N.J.A.C. 6A:20-1.4, the Commissioner shall award a State-issued high school diploma based on achieving the Statewide standard score on the General Education Development test (GED) or other adult education assessments to individuals age 16 or older who are no longer enrolled in school and have not achieved a high school credential.
- (d) The Commissioner shall award a State-issued high school diploma to individuals age 16

or older and no longer enrolled in high school based on official transcripts showing at least 30 general education credits leading to a degree at an accredited institution of higher education. Included in the 30 general education credits must be a minimum of 15 credits with at least three credits in each of the five general education categories as follows: English; mathematics; science; social science; and the humanities.

- (e) District boards of education shall award a State-endorsed high school diploma to any currently enrolled student, regardless of grade level, who:
1. Has demonstrated proficiency in the [high school end-of-course PARCC assessments in ELA 10 and Algebra I] **State graduation proficiency test, pursuant to N.J.A.C. 6A:8-5.1(a)6**, or as set forth in N.J.A.C. 6A:8-5.1(f)]**5.1(g)**;
 - i. **District boards of education shall award a State-endorsed high school diploma to any currently enrolled student in the graduating classes of 2019, 2020, 2021, and 2022 who has demonstrated proficiency in the high school end-of-course PARCC assessments in ELA 10 and Algebra I, or as set forth in N.J.A.C. 6A:8-5.1(f).**
 2. Has presented official transcripts showing at least 30 general education credits leading to a degree at an accredited institution of higher education; and
 3. Has formally requested such early award of a State-endorsed high school diploma.
- (f) Pursuant to N.J.S.A. 18A:7C-7 and 18A:7E-3, the chief school administrator or lead person of a charter school shall report annually to the district board of education or the charter school board of trustees at a public meeting not later than September 30, and to the Commissioner:

1. The total number of students graduated;
2. The number of students graduated under the substitute competency test process;
3. The number of students graduated under the portfolio appeals process;
4. The number of students receiving State-endorsed high school diplomas as a result of meeting any alternate requirements for graduation as specified in their IEPs;
5. The total number of students denied graduation from the 12th grade class; and
6. The number of students denied graduation from the 12th grade class solely because of failure to pass the high school end-of-course PARCC assessments, **the State graduation proficiency test**, substitute competency tests, or portfolio appeals process based on the provisions of this chapter.