



Proposed Readoption of Standards and Assessment Regulations

Stan Karp, Director of Secondary Reform

March 7, 2018 (Rescheduled to March 21, 2018)

Education Law Center appreciates this opportunity to testify on the proposed readoption of the Standards and Assessments regulations (NJAC 6A:8). We urge the State Board and the Commissioner to withdraw this proposal for multiple legal and policy reasons, including:

1. The proposed regulations violate the very statute they are supposed to implement. The NJ high school graduation statute explicitly says the state graduation test must be an 11th grade test of state standards in math and language arts. (NJSA18A:7C-6) Instead these regulations designate the PARCC ELA10 (English Language Arts) and Algebra I exams as required graduation tests. Neither is an 11th grade test. The Legislature has the authority to change the statute and move the grade level of the designated state graduation test. The State Board does not. This is a fundamental—though not the only—reason the regulations are facing a legal challenge pending in the Appellate Division. (In re N.J.A.C. 6A:8)
2. In addition to violating the statute, the proposed regulations contradict the expressed intent of the Legislature. Almost exactly one year ago, by a vote of 69-3, the Assembly passed resolution ACR215 declaring “the regulations adopted by the State Board of Education...to revise the assessments required for students to demonstrate graduation proficiency are not consistent with legislative intent.” It urged the Board to amend or withdraw them. A month later Senate

President Sweeney and Senate Education Committee Chair Ruiz wrote a letter to the State Board similarly stating, “Clearly, the State Board of Education’s revised regulation governing the assessments required to demonstrate proficiency for high school graduation is inconsistent with and violates the intent of the Legislature in its passage of P.L. 1979, c. 241 (C.18A:7c).”

3. Governor Phil Murphy campaigned on a pledge to replace PARCC and end “exit testing” for high school diplomas. The Governor repeated these goals last month in introducing his new Commissioner of Education, Dr. Lamont Repollet.
4. The State Board has not explained why it is readopting regulations clearly at odds with the law, the Legislature and the Governor.
5. Most importantly, we now have several years of NJDOE data documenting why implementation of these proposed rules would be disastrous for NJ students, schools and families. (See attached.)
6. NJ public schools have the second-highest high school graduation rate in the nation, surpassing 90% for the first time in 2016. Graduation rates have improved every year since 2011. Even more encouraging, gaps between subgroups have narrowed. But the graduation policies the Board is proposing to re-adopt today would sharply reverse this progress.
7. Under the proposed rules, students in the class of 2021—current freshmen—must pass the PARCC ELA10 and Algebra I exams to receive a NJ high school diploma. After three years of PARCC testing, 2017 passing rates on these tests were 46% and 42% respectively. Less than half the nearly 100,000 students who graduate each year are on track to satisfy the PARCC testing requirements for a diploma.

8. At the same time, the proposed rules eliminate the alternative test options, like the SAT, PSAT, and ACT, used by the majority of seniors to earn their diplomas since the new rules were introduced.
9. NJDOE's graduation pathway data collection for 2017 showed that only 27% of the senior class graduated by passing PARCC exams. Over 60%—more than 60,000 students— used alternative options that the proposed regulations eliminate and which will not be available for current freshmen, the class of 2021.
10. Unless these rules are changed, the graduation prospects of tens of thousands of high school students will be at risk, especially current freshmen and classes to follow. The state's graduation rate will drop dramatically, and districts will be under pressure to process tens of thousands of "portfolio appeals," a cumbersome and costly process that was never designed to be a major graduation pathway for students who do not pass state tests. At-risk students, English language learners, students of color, and our high-need districts will bear the disparate impact of these proposed rules.
11. For all these reasons, we urge the State Board to withdraw this proposal and to work collaboratively with Commissioner Repollet, the Legislature, parents, and the education community to revise NJ's assessment and graduation policies and provide the real supports and opportunities our high school students need to succeed and graduate.

Respectfully submitted,
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NJ Grad Rates Rising, Gaps Narrowing

Student Group	2011 % Rate	2017 % Rate	Increase
All students	83	90.5	7.5
White	90	94.5	4.5
Asian	93	96.6	3.6
African American	69	83.4	14.4
Hispanic	73	84.3	11.3
Econ. Disadvantaged	71	84.0	13.0
Students w/disability	73	78.8	5.8
ELLs	68	76.1	8.1

NJDOE, February 16, 2018

Results on PARCC ELA10 & Algebra I

PARCC Test	ELA10 % passing	Algebra I % passing
2015	37%	36%
2016	44%	41%
2017	46%	42%

Class of 2016 pathways to graduation

	Total	White	African American	Hispanic	Other
Total number of students who graduated	96,284	51,982	14,420	18,899	10,983
Students Graduated through PARCC assessment (ELA & Math)	9% (9,024)	10% (5,022)	6% (888)	9% (1,640)	13% (1,474)
Students Graduated through Substitute Competency tests (ELA & Math)	49% (47,292)	55% (28,829)	40% (5,776)	38% (7,132)	51% (5,555)
Students Graduated through multiple pathways (ELA & Math)	28% (26,479)	27% (13,846)	25% (3,647)	29% (5,577)	31% (3,409)
Students Graduated through Portfolio Appeals process (ELA & Math)	6% (5,887)	2% (891)	15% (2,118)	14% (2,670)	2% (208)
Students Graduated through alternate requirements specified in their IEP's (ELA & Math)	8% (7,602)	6% (3,394)	14% (1,991)	10% (1,880)	3% (337)

Source: New Jersey Department of Education Statewide Graduation Pathways, 2016

Class of 2016 pathways to graduation

	Total	Students with Disability	Economically Disadvantaged Students	English Language Learners
Total number of students who graduated	96,284	12,945	26,823	1,825
Students Graduated through PARCC assessment (ELA & Math)	9% (9,024)	4% (569)	8% (2,206)	3% (61)
Students Graduated through Substitute Competency tests (ELA & Math)	49% (47,292)	25% (3,217)	38% (10,233)	23% (420)
Students Graduated through multiple pathways (ELA & Math)	28% (26,479)	14% (1,865)	28% (7,549)	20% (364)
Students Graduated through Portfolio Appeals process (ELA & Math)	6% (5,887)	3% (326)	13% (3,568)	50% (911)
Students Graduated through alternate requirements specified in their IEP's (ELA & Math)	8% (7,602)	54% (6,967)	12% (3,266)	4% (68)

Source: New Jersey Department of Education Statewide Graduation Pathways, 2016

Class of 2017 pathways to graduation

	Total	Students with Disability	Economically Disadvantaged Students	English Language Learners
Total number of NJ students who graduated 2017	98,338	13,161	28,991	2,342
Students graduated by passing PARCC assessments (ELA & Math)	27% (26,213)	7% (936)	21% (6,205)	3% (70)
Students graduated by passing designated alternative tests (ELA & Math)	33% (32,349)	21% (2,737)	26% (7,574)	19% (456)
Students graduated through Portfolio Appeals process (ELA & Math)	4% (4,280)	2% (313)	10% (2,799)	43% (1,014)
Students graduated through alternate requirements specified in their IEP's (ELA & Math)	7% (6,987)	49% (6,456)	11% (3,083)	3% (66)
Students graduated through combination of pathways (ELA & Math)	29% (28,600)	21% (2,719)	32% (9,331)	31% (736)

Source: New Jersey Department of Education Graduation Pathway Data Collection, 2017

Class of 2017 pathways to graduation

	Total	White	African American	Hispanic	Other
Total number of NJ students who graduated 2017	98,338	51,363	15,075	20,307	11,593
Students graduated by passing PARCC assessments (ELA & Math)	27% (26,213)	29% (15,024)	17% (2,638)	23% (4,612)	34% (3,939)
Students Graduated by passing designated alternative tests (ELA & Math)	33% (32,349)	37% (19,089)	28% (4,328)	25% (5,035)	34% (3,897)
Students Graduated through Portfolio Appeals process (ELA & Math)	4% (4,280)	1% (479)	10% (1,568)	10% (2,082)	1% (151)
Students Graduated through alternate requirements specified in their IEP's (ELA & Math)	7% (6,987)	6% (2,912)	12% (1,882)	9% (1,784)	3% (319)
Students Graduated through combination of pathways (ELA & Math)	29% (28,600)	27% (4,659)	31% (4,659)	33% (6,795)	28% (3,287)

Source: New Jersey Department of Education Graduation Pathway Data Collection, 2017