
IN RE N.J.A.C. 6A:8
STANDARDS AND ASSESSMENT

: SUPERIOR COURT OF NEW JERSEY
: APPELLATE DIVISION

: DOCKET NO. A-000768-16T4

: CIVIL ACTION

BRIEF AND APPENDIX ON BEHALF OF RESPONDENTS

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PRELIMINARY STATEMENT

In connection with its overall educational standards reform effort, the New Jersey State Board of Education ("State Board") revised the State assessment requirements for graduation from high school in August 2016. For the first time, the revisions allow for students to be tested for graduation proficiency when they acquire the relevant knowledge, rather than at a universally specified time period. The State Board replaced the outdated High School Proficiency Assessment ("HSPA") with exams developed by the Partnership for Assessment of Readiness for College and Careers ("PARCC"). PARCC tests are end of course ("EOC") exams, taken when a student completes the related course. Because the regulations are consistent with the law governing State assessments and the intent of that law, Appellants' challenge to the rules should be dismissed.

Under the Proficiency Standards and Assessments Act ("PSAA"), the Legislature directed the Commissioner of Education, with the approval of the State Board, to develop clear and explicit Statewide levels of proficiency for graduation, as well as a Statewide assessment test to determine whether students had mastered those skills. After considering studies and consulting with educators and other stakeholders, the Commissioner and State Board revised the State's curriculum standards and implemented the PARCC statewide assessment system.

Recommendations from these studies informed the Commissioner and State Board that the minimum level of skills and knowledge required for graduation were those acquired after completing the courses of Algebra I and English Language Arts ("ELA") 10. Thus, the State Board designated the associated PARCC Algebra I and ELA 10 EOC exams as the State graduation proficiency test.

In order to facilitate the successful achievement of these standards, the Legislature also directed the Commissioner to ensure that districts provide remedial education so that students can progress and ultimately meet the standards necessary to graduate. The amended regulations reflect this remedial intent of the PSAA, as the PARCC tests provide detailed feedback to educators, allowing them to hone in on specific areas of student deficiency and develop appropriate remedial instruction. And because the PARCC exams are typically administered prior to the student's junior year, they often allow more time to identify and assist struggling students. Thus, the challenged regulations are not only consistent with the authority vested in the State Board, but they further the Legislature's goal of providing timely remediation for those students not meeting expected achievement levels. The State Board reasonably exercised its discretion and made sound policy decisions in determining to replace the proficiency assessment with the PARCC.

Appellants challenge these regulations on three bases. First, Appellants assert that the regulations are ultra vires because they conflict with the express language of the PSAA, unlawfully deny retesting opportunities, and prevent access to an alternative assessment. Second, Appellants assert that the regulations violate the constitutional requirement of a thorough and efficient education by allowing for substitute competency tests. Finally, Appellants allege that the use of substitute competency tests will have a negative disparate impact on minority student graduation rates.

Contrary to these assertions, however, the challenged regulations are consistent with the State Board's authority. The new graduation assessment properly tests for 11th grade proficiency and the regulations do not inhibit retesting opportunities and access to an alternative assessment is based on statutory requirements. Moreover, use of substitute competency tests during a transitional period does not violate the New Jersey Constitution or the New Jersey Law Against Discrimination. For these reasons, the challenged regulations should be upheld.

PROCEDURAL HISTORY AND STATEMENT OF FACTS¹

The newly adopted regulations found at N.J.A.C. 6A:8 are designed to accurately measure mastery of the State's academic standards through the implementation of a new assessment system, while at the same time providing a lengthy transition phase to ensure that students and educators have sufficient time to adjust to the new system. These regulations are part of an extensive statutory and regulatory scheme governing curriculum standards and requirements for graduation from secondary school.

I. THE PROFICIENCY STANDARDS AND ASSESSMENTS ACT

Enacted on December 17, 1979, the purpose of the PSAA, N.J.S.A. 18A:7C-1 et seq., as acknowledged by Governor Brendan Byrne, was to improve the basic skills of young people. See Signing Statement to Bill No. 1154, L. 1979 c.241 (Dec. 17, 1979). The law requires the Commissioner, with the approval of the State Board, to establish a "program of standards for graduation from secondary school." N.J.S.A. 18A:7C-1. Specifically, the Legislature directed the Commissioner to develop "clear and explicit Statewide levels of proficiency in reading, writing and computational skills to be demonstrated as a minimum requirement for high school graduation," as well as a comprehensive Statewide assessment system to be administered to

¹ The Procedural History and Statement of Facts have been combined in the interest of continuity and coherence as they are inextricably intertwined.

all secondary school pupils. N.J.S.A. 18A:7C-1. In addition to establishing these standards, the PSAA also directs the Department of Education to develop "guidelines for remediation procedures for pupils who fail to meet graduation standards." Ibid.

The PSAA initially required the statewide graduation proficiency test to assess whether students had achieved at least the ninth-grade minimum basic skills proficiency level. L. 1979, c. 241, §6 (Dec. 17, 1979). In 1988, the Legislature amended the statute to raise the standards required for graduation. L. 1988, c. 168, §3 (Dec. 1, 1988). Upon signing the amendments into law, Governor Thomas H. Kean noted that the State should not tolerate corporations spending billions each year to "re-teach high school graduates to read, write and compute." See Article, "Kean signs tough school exam law" (Dec. 2, 1988) Trenton Times, attached to Bill A2928, L. 1988, c. 168 (Dec. 1, 1988).

The amendments added a requirement of an early benchmark assessment to be administered to all eighth grade pupils to determine progress toward mastery of State graduation proficiency standards. N.J.S.A. 18A:7C-6.2. Those students not meeting established standards must be provided with appropriate remediation, which could include after school, weekend and summer programs. Ibid. They also required 11th grade pupils to

demonstrate mastery of the graduation proficiency test designed to "measure those basic skills all students must possess to function politically, economically and socially in a democratic society." N.J.S.A. 18A:7C-6; 18A:7C-6.1. Any student not meeting the State and district graduation standards by the end of 11th grade must be provided with remedial instruction in those academic areas which have been "identified as necessary for awarding of a diploma...." N.J.S.A. 18A:7C-3. The Legislature also allowed for an alternative graduation assessment that utilizes techniques and instruments other than standardized tests for any 12th grade student who has not passed the graduation proficiency test but who has met "all the credit, curriculum and attendance requirements." Ibid.

II. EVOLUTION OF STATE STANDARDS AND STATE ASSESSMENTS

Since 1975 the Legislature has committed New Jersey to a standards-based approach to education and, as outlined above, in 1979 required a graduation assessment measuring those standards. In 1996, the State Board adopted the Core Curriculum Content Standards ("CCCS") in nine content areas, that serve as the basis for local district curricula, and embody what students should learn over the course of their public school experience. See <http://www.state.nj.us/education/cccs/> (last visited 5/25/17). In 2007, the Legislature charged the State Board with the duty to review these content standards every five years.

N.J.S.A. 18A:7F-46(a). In 2010, the State Board adopted the Common Core State Standards ("CCSS") in ELA and Math, which were again revised in 2016. See <http://www.nj.gov/education/assessment/history.shtml> (last visited 5/25/17).

Along with New Jersey's participation in a nationwide high school reform effort, the adoption of the CCSS in ELA and Math reinforced the necessity to review the state graduation assessment as the assessment no longer tracked the new standards. Since 2001-02 the Department had utilized the HSPA. See New Jersey Department of Education, Your Guide to the HSPA (Mar. 2014), www.nj.gov/njded/assessment/hs/hspa_guide_english.pdf, at pg. 2 (last visited 5/25/17). The HSPA consisted of two independent subject areas -- ELA and Math -- that were administered on different days as determined by the DOE. See New Jersey Department of Education, Your Guide to the HSPA (Mar. 2014), www.nj.gov/njded/assessment/hs/hspa_guide_english.pdf, at pg. 2 (last visited 5/25/17). Both components of the HSPA could be taken multiple times and students were only required to retake the portion of the HSPA that they previously failed. Ibid. For example, if a student passed the Math component but not the ELA component, the student would only need to re-take the ELA component of the test. If a student failed one or both

components after multiple tries, he or she could still show proficiency through an alternative graduation route known as the Alternative High School Assessment ("AHSA"). The HSPA was historically administered in the 11th grade, regardless of when the student actually completed a course which taught the corresponding material, and measured whether students had gained the knowledge and skills identified by the CCCS. Ibid.

In connection with its high school reform efforts, New Jersey partnered with Achieve Inc.² and the National Governors Association at the National Education Summit on High Schools in 2005. The purpose of the Summit was to discuss and vote on an action agenda to raise high school expectations and outcomes for students. See NJ Steps Re-Designing Education in New Jersey for the 21st Century, A Policy Report of the New Jersey High School Redesign Steering Committee, ("Steering Committee Report") http://www.state.nj.us/highereducation/PDFs/HS_Redesign_Report_April_2008.pdf, April 25, 2008 at pg.4. New Jersey signed onto the action agenda and joined Achieve's American Diploma Project Network ("ADP Network"). ADP Network members pledged to make the needed policy, legislative and programmatic changes necessary to help all students graduate from high school ready for work or for continued education. Ibid.

² Achieve Inc. is a nonprofit education organization whose mission is to help states make college and career readiness a priority for students. <http://achieve.org/about-us>.

Following the Summit, the New Jersey High School Redesign Steering Committee ("Steering Committee") was created and charged with further refining recommendations for improving secondary education. Ibid. It collected feedback and input from New Jersey educators, as well as the general public, in meetings held throughout the state. Ibid. On April 25, 2008, the Steering Committee issued its final report with key recommendations for high school reform. The Steering Committee urged the Department of Education ("NJDOE") to align New Jersey high school standards and graduation requirements to college and workforce entry requirements, and to overhaul the State's assessment system, including its graduation assessment. Id. at 5-6.

The Steering Committee proposed implementation of a new "efficient and effective assessment system to measure student achievement gaps, provide[] data to address student learning and performance gaps and align to expectations of higher education and the workforce." See Steering Committee Report at 6; Ra38. To achieve these goals, the Steering Committee advised the NJDOE to "develop and implement end-of-course exams" that would replace the HSPA as the State graduation assessment. Id. at 26. The Steering Committee declared that "the creation of end-of-course exams will significantly improve the consistency of course content across the state and the likelihood that all the

state's students learn and perform at the same level in courses crucial to their future success." Ibid. In order to ease the transition to a new proficiency assessment, the Steering Committee advised that the new graduation requirements should be phased in. Id. at 27.

In response to the Steering Committee's recommendations and the recent implementation of the CCSS in ELA and Math, New Jersey joined the PARCC Consortium in the fall of 2010. This national consortium was formed to develop a common set of assessments to measure student achievement of the Common Core State Standards and ensure preparedness for college and careers. <http://www.nj.gov/education/assessment/history.shtml> (last visited 5/25/17). The State became a Governing Member of PARCC in 2011 and began administering PARCC assessments during the 2014-2015 school year.³

On July 14, 2014, Governor Chris Christie signed Executive Order No. 159, establishing a study commission to review K-12 student assessments administered in New Jersey (the "Study Commission"). The Study Commission was charged with reviewing the effectiveness of the volume, frequency, and impact of

³ PARCC tests are aligned to the newly adopted curriculum standards and have been endorsed as an improvement over previous assessments. (Pa4). PARCC tests are tied to a specific academic course and students typically take a PARCC assessment at the end of the semester or year in which they finish the related academic course. (Pa43).

student testing occurring throughout New Jersey school districts and issuing appropriate recommendations. It was also tasked with examining the effectiveness of PARCC assessments, generally, as well as their use as a measure of graduation proficiency. (Ra20-21).

Consistent with N.J.S.A. 18A:7C-6.1, the Study Commission was chaired by then-Commissioner of Education, David C. Hespe, and its membership included numerous educators from throughout the State. (Ra5.) In defining its mission, the Study Commission determined that among other goals, the State's public education system must include "high-quality assessments to measure student, school, and Statewide progress" and "policies and practices to use wisely the information that the assessments provide to improve teaching and learning to help struggling schools." (Ra1). Thus, the Study Commission determined that an appropriate assessment system should include the following qualities: 1) the capability of providing teachers and practitioners with information necessary to identify learning gaps for individual students, classrooms and schools; 2) an accurate predictor of college and career readiness; 3) the ability to accommodate the needs of students with disabilities and English language learners (ELLs); and 4) the capability of being used as a graduation assessment. (Ra13). Assessment data, the Study Commission found, can and should be used to inform all

education stakeholders about students' progress in attaining the knowledge, skills, attitudes and behaviors in school. (Ra16). When an assessment works best it also provides answers to important questions about the validity of instruction ("Are we really teaching what we think we're teaching?"), the validity of learning ("Are students really learning what they're supposed to be learning?") and student improvement ("Is there a better way to teach the content, thereby improving learning?"). (Ra17).

From November 2014 through November 2015, the Study Commission conducted 21 meetings, at which it received input from various educators on the use of student assessments and their effectiveness. (Ra6). In early 2015, three public meetings were held in each of the three regions of the State -- northern, central, and southern New Jersey -- to elicit testimony from parents, students, businesses, and community representatives regarding the CCCS, CCSS, PARCC, and the use of test results to make important decisions about students, educators and districts. Ibid. More than 100 people participated. Ibid. Then, in June 2015, three additional regional sessions were held at public high schools to elicit information from seventeen of the students who had taken the March and/or May PARCC assessments. Ibid. The Study Commission also created a user-friendly website to serve as a convenient

communication tool to both inform the citizenry of the Study Commission's work and receive public input and feedback. Ibid.

On January 11, 2016, the Study Commission issued its final report on the use of student assessments in New Jersey. Based on the data gathered, it strongly recommended that PARCC be used as the graduation assessment mechanism. The Commission found that the chief advantage of PARCC tests is the feedback they provide to educators that can be used to effectively assess and close achievement gaps between and among students. (Ra5). They are designed to provide "a far greater level of actionable information to educators and feedback to educators and parents" in the form of student-level reports. (Pa6). In addition, the PARCC results are returned in a timely manner, enabling their use in the next school semester. (Pa8.) The previous Statewide assessments, including HSPA, provided educators and parents with little substantive information on areas of student deficits. See One Pager on State Tests-PARCC, available at <http://www.state.nj.us/education/assessment/parents/> (last visited 5/25/17). Thus, PARCC examinations are a more accurate indicator of whether a student is "on track," as they provide detailed information as to what skills a student has mastered and where additional support is needed. Ibid. PARCC tests therefore not only allow educators to see where an individual student may be struggling but also allows districts to see where

students are struggling generally, and make adjustments.
<http://www.state.nj.us/education/assessment/parents/helpful.pdf>
(last visited 5/25/17).

Given the value of PARCC assessments, the Study Commission recommended that the Department require all students enrolled in public schools in grades 3 through 12 take the PARCC end-of-course assessment for which the student is enrolled (e.g., in high school, Algebra I & II, geometry and ELA 9, 10, 11). (Pa8; Ra17). Finally, the Study Commission recommended that the Commissioner and State Board replace the HSPA with the PARCC ELA 10 and Algebra I exams as the graduation proficiency assessment for the initial years of PARCC implementation, as they appeared best aligned with the "expectations of the knowledge and skills [required] for graduation established in State statute". (Ra19). The Study Commission suggested these requirements be reevaluated in future years. Ibid. Recognizing that the shift from HSPA to EOC exams could be disruptive to students already in the midst of their high school careers, the Study Commission, just like the Steering Committee, recommended that NJDOE institute a transitional period during PARCC's implementation. Ibid.

III. THE 2016 AMENDMENTS TO THE GRADUATION REGULATIONS

Based upon the recommendations of the Steering Committee and the Study Commission, the State Board proposed amendments to

the graduation regulations in January 2016, which became effective on September 6, 2016. (Pa41; 43; 60). The amendments replaced the HSPA exam with the PARCC ELA 10 and Algebra 1 exams as the State graduation assessment. As was the case with the HSPA, students are only required to re-take the portion of the PARCC (ELA or Math) that they previously fail. N.J.A.C. 6A:8-5.1(f), (g). While the regulations do not specify the number of times each portion of the test may be administered, the DOE testing schedule designates three administrations per year.⁴ This allows students multiple times to retake the exam.

Consistent with the statutory requirements, the amended regulations also provide for a "portfolio appeals process." N.J.A.C. 6A:8-1.3. This process, similar to the AHSA under the HSPA, is an alternative assessment that utilizes techniques, other than standardized tests, approved by the Commissioner, and is aligned to current curriculum standards. Under this process,

⁴ See PARCC testing schedule for 2017-2018, available at <http://www.state.nj.us/education/assessment/20172018TestingCalendar.pdf>, and testing schedule for 2016-2017, available at <http://www.state.nj.us/education/assessment/20162017TestingCalendar.pdf>. See also Memorandum from Jeffery Hauger, Director of DOE's Office of Assessments to Chief School Administrators et al., "Partnership for Assessment of Readiness for College and Careers (PARCC) Summer 2017 Algebra 1, Geometry, and Algebra II Test Administrations," February 22, 2017, available at [https://homerom5.doe.state.nj.us/broadcasts/2017/FEB/22/16023/Partnership%20for%20Assessment%20of%20Readiness%20for%20College%20and%20Careers%20\(PARCC\)%20Summer%202017%20Test%20Administration.pdf](https://homerom5.doe.state.nj.us/broadcasts/2017/FEB/22/16023/Partnership%20for%20Assessment%20of%20Readiness%20for%20College%20and%20Careers%20(PARCC)%20Summer%202017%20Test%20Administration.pdf) (offering a summer PARCC exam for math courses).

high school seniors who have not passed one or both components of the graduation test may, with the assistance of the school district, submit to the Department samples of work demonstrating their mastery of the proficiencies required for graduation.⁵

In providing for a transitional phase-in of this new assessment tool, the State Board recognized that current high school students may have had limited opportunities to take the PARCC Algebra I or ELA 10 exams, or that they may have previously taken the subject tested by PARCC and opted out of the exam. Thus, it created a third option for high school seniors of the graduating classes of 2016-2020 to satisfy the graduation requirements by achieving a passing score on a "substitute competency test." N.J.A.C. 6A:8-1.3. These substitute competency tests are "an alternative set of third-party assessments approved by the Commissioner...." Ibid. Mindful of over-testing concerns, the Commissioner designated tests that many students already take in preparation for post-secondary activities, such as the SAT, PSAT, ACT, ACT-Aspire, ASVAB-AFQT, or Accuplacer. Ibid.

⁵ See Memorandum from Laura Morana, Acting Academic Officer & Donald Mitchell, Chief Performance Officer, N.J. Dept. of Ed. to Chief Sch. Adm'rs and Charter Sch. And Renaissance Sch. Project Leads, "Portfolio Appeals Process for Students Who Have Not Met Their Assessment Graduation Requirement," Dec. 13, 2016, available at <https://homerom5.doe.state.nj.us/broadcasts/2016/DEC/13/15668/Portfolio%20Appeals%20Process%20for%20Students%20Who%20Have%20Not%20Met%20Their%20Assessment%20Graduation%20Requirement.pdf> .

The State Board determined to implement the new PARCC graduation proficiency assessment in three phases. For the graduating cohorts of 2016-2019, students who either do not take the ELA 10 or Algebra I exam, or who fail to achieve a passing score on one or both assessments, can: 1) retake the applicable portion of the exam, 2) select the portfolio appeal process, or 3) achieve a passing score on a substitute competency test. N.J.A.C. 6A:8-5.1(f)(1). For the graduating cohort of 2020, those students who have taken all applicable PARCC assessments for courses in which they are enrolled, but do not achieve a passing score on ELA 10 or Algebra I, may satisfy the graduation requirement by: 1) retaking the exam, 2) selecting the portfolio appeal process, or 3) achieving a passing score on a substitute competency test. N.J.A.C. 6A:8-5.1(f)(2). Thus, graduating cohorts between 2016 and 2020 have three options to satisfy proficiency. For the graduating cohorts of 2021 and beyond, students who have taken all applicable PARCC assessments for which they are enrolled, but do not achieve a passing score on ELA 10 or Algebra I, may retake the graduate assessment or alternatively satisfy the graduation requirement through the portfolio appeal process. N.J.A.C. 6A:8-5.1(g).

The rules were vetted throughout the First Discussion, Second Discussion, Proposal and Adoption levels. See N.J.A.C. 6A:6-3.1(b); N.J.A.C. 6A:6-Appendix. After review and

consideration of all comments received, including those from ELC and ACLU, the State Board determined the amendments to be appropriate and consistent with the legislative intent underlying the PSAA. Accordingly, the State Board voted to adopt the proposed amendments on August 3, 2016. (Pa1). A Notice of Adoption was published in the New Jersey Registrar and the regulations became effective on September 6, 2016. Ibid.

On October 21, 2016, ELC, the ACLU, PEF, LAN, LCNJ filed this appeal, challenging the authority of the State Board to adopt the regulations. (Pa14). On December 12, 2016, the Notice of Appeal was amended to add Appellant NJ NAACP. (Pa40).

ARGUMENT

POINT I

THE CHALLENGED REGULATIONS ARE CONSISTENT WITH THE PSAA AND SHOULD BE UPHELD.

The State Board's regulations reflect sound policy judgments and a valid exercise of its discretion to develop the appropriate graduation assessment consistent with its authority under the PSAA. Appellants' interpretation of the PSAA -- a stringent temporal requirement for administration of the graduation assessment -- belies the intent of the statute and strips the State Board of its authority and responsibility to respond to a changing educational landscape. Because the rules do not exceed the authority delegated by the enabling statute,

and because the rulemaking was not arbitrary nor capricious, the regulations should be upheld.

Judicial review of an administrative agency's rulemaking begins with a presumption that the challenged rules are valid and reasonable. N.J. Ass'n of Sch. Adm'rs v. Schundler, 211 N.J. 535, 548 (2012) (NJASA). The inquiry generally focuses on three things:

(1) whether the agency's action violates the enabling act's express or implied legislative policies; (2) whether there is substantial evidence in the record to support the findings on which the agency based its action; and (3) whether in applying the legislative policies to the facts the agency clearly erred by reaching a conclusion that could not reasonably have been made upon a showing of the relevant factors.

[Ibid. (citing In re Petitions for Rulemaking, N.J.A.C. 10:82-1.2 & 10:85-4.1, 117 N.J. 311, 325 (1989)).]

The party challenging the rulemaking must demonstrate that the rulemaking was arbitrary, capricious, or unreasonable. Ibid.

"Courts afford an agency 'great deference' in reviewing its 'interpretation of statutes within its scope of authority and its adoption of rules implementing' the laws for which it is responsible." NJASA, supra, 211 N.J. at 549 (quoting N.J. Soc'y for Prevention of Cruelty to Animals v. N.J. Dep't of Agriculture, 196 N.J. 366, 385 (2008)). Judicial deference to administrative agencies "stems from the recognition that

agencies have the specialized expertise necessary to enact regulations dealing with technical matters and are 'particularly well equipped to read and understand the massive documents and to evaluate the factual and technical issues that . . . rulemaking would invite.'" N.J. State League of Municipalities v. Dep't of Cmty. Affairs, 158 N.J. 211, 222 (1999) (quoting Bergen Pines County Hosp. v. N.J. Dep't of Human Servs., 96 N.J. 456, 474 (1984)). However, judicial deference is not without limit, and a challenged rule must be within the "fair contemplation of the delegation of the enabling statute." N.J. Guild of Hearing Aid Dispensers v. Long, 75 N.J. 544, 561 (1978).

Legislative grants of administrative authority are construed liberally "to enable the agency to accomplish its statutory responsibilities and . . . effectuate fully the legislative intent." N.J. Guild, supra, 75 N.J. at 562. Finding regulations to be ultra vires is disfavored and agency action may be set aside only if it "plainly transgresses the statute it purports to effectuate, or alters the terms of the statute and frustrates the policy embodied in it." In re Adopted Amendments to N.J.A.C. 7:7A-2.4, 365 N.J. Super. 255, 265 (App. Div. 2003). Courts must be mindful that "administrative agencies possess the ability to be flexible and responsive to changing conditions." In re Agricultural, Aquacultural, & Horticultural Water Usage

Certification Rules, N.J.A.C. 7:20A-1.1 et seq., 410 N.J. Super. 209, 224 (App. Div. 2009) (quoting Texter v. Dep't of Human Servs., 88 N.J. 376, 385 (1982)).

A court's "paramount goal" when interpreting a statute is "to give effect to the Legislature's intent." Wilson v. City of Jersey City, 209 N.J. 558, 572 (2012). To do so, the court must begin with the plain language of the statute. DiProspero v. Penn, 183 N.J. 477, 493 (2005). But a statutory provision "should not be read in isolation." Wilson, supra, 209 N.J. at 572. Rather, meaning must be given to the entire legislative scheme and the court "must be guided by legislative objectives sought to be achieved by enacting the statute." Ibid. And if the language of the statute is "sufficiently ambiguous that it may be susceptible to more than one plausible interpretation," the court may resort to extrinsic guides, such as the legislative history. Ibid. Administrative action that "can be said to promote or advance the policies and findings that served as a driving force for the enactment of that legislation" will be upheld. In re Certain Amendments to the Adopted and Approved Solid Waste Mgmt. Plan of the Hudson County Solid Waste Mgmt. Dist., 133 N.J. 206, 216 (1993).

The enabling statute here requires the Commissioner, with the approval of the State Board, to develop "a Statewide assessment test in reading, writing and computational skills to

be administered to all secondary school pupils as provided herein." N.J.S.A. 18A:7C-1(a). The test "shall measure those basic skills all students must possess to function politically, economically and socially in a democratic society," N.J.S.A. 18A:7C-6.1. In order to achieve these lofty goals, the PSAA explains that the assessment is 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." N.J.S.A. 18A:7C-6. But it also directs that if a student does not pass the test by the end of 11th grade, the school district "shall provide additional remedial instruction specifically directed toward mastery of those proficiencies identified as necessary" to graduate. N.J.S.A. 18A:7C-3.

Rather than reading these statutory mandates as purely temporal requirements, as Appellants do, the State Board understood the Legislature to require a graduation assessment which tests if students have reached an 11th grade proficiency level -- whenever that level is reached in a student's high school career. This interpretation also furthers the PSAA's remedial goals, and allows for more time for remedial instruction.

In connection with the State's educational reform efforts, the Commissioner and State Board determined to implement a more

effective assessment system to measure student achievement of the state education standards. In consultation with educators and stakeholders, the State Board designated the PARCC ELA 10 and Algebra I exams as the appropriate assessments for measuring mastery of the proficiencies expected of eleventh-grade students, as required for graduation. This decision was informed by the work of the Study Commission which concluded that the ELA 10 and Algebra I were "best aligned with the expectations and knowledge and skills for graduation established in State statute" and recommended that these exams be used as the State graduation assessment. (Ra17). During the year proceeding the adoption of the regulations, PARCC was reviewed by numerous academic institutions and research organizations who concluded that "PARCC is more grade-level appropriate than prior state tests and is clearly an effective assessment in determining whether students are on the pathway to being college and career ready." (Pa6). In addition, the State Board noted that a significant advantage of the PARCC assessment is that it was developed, reviewed and approved by educators, and includes more tools than were ever formed by the NJASK or HSPA, including student level reports, which can be used to improve teaching and learning. Ibid.

Under the regulations, students take the ELA 10 and Algebra I assessments at the conclusion of the respective courses -

whenever that may occur in their high school careers. Appellants seize upon the fact that the assessments do not necessarily take place in the 11th grade year to argue that the regulations are ultra vires. (Pb16-21). This argument fails, as explained below.

In enacting the PSAA, the Legislature sought to ensure that public school districts graduated students with a minimum level of competency in core subjects to enable them to succeed in higher education or careers. And while the statute refers to the graduation test as being administered "to 11th grade pupils," there is nothing in the PSAA that prohibits students from taking, or the State from administering, a graduation proficiency test prior to 11th grade, if the students have mastered the content necessary to pass the test. Students entering high school possess a wide range of attributes and abilities in different subjects, and the secondary school course curriculum must reflect and adapt to this reality. Thus, in ELA, the high school curricular framework incorporates an "ongoing spiraling process" with standards framed for "9-10 and 11-12 grade level bands" that districts can modify "to fit the needs of their student population." <http://www.state.nj.us/education/cccs/frameworks/ela/> (accessed 4/26/17). In Math, the high school curriculum is not organized by grade level, but rather by subject, namely, Algebra I,

Geometry and Algebra II.

<http://www.state.nj.us/education/cccs/frameworks/math/> (accessed 4/26/17). The high school curriculum reflects the fact that some students may excel in one or both core subjects and take accelerated, honors or Advanced Placement classes, while others may struggle and require remedial instruction. The point of the graduation test is not to assess what students know at a particular point in time during their high school experience. Rather, the purpose is to assess whether the students, as they approach graduation, have mastered a foundational level of knowledge and skills which will allow the student to progress in society. N.J.S.A. 18A:7C-6.1. The use of the word "grade" in the statute indicates a level of knowledge a student has achieved, not a snapshot in time during which a test must be administered. In fact, the word grade is commonly defined as a particular rank, quality, proficiency, intensity or value. See Merriam-Webster, located online at <https://www.merriam-webster.com/dictionary/grade>.

Reflecting its belief that state assessments measure student proficiency as described by grade level, in 2015 the Legislature amended the statute to define the term "state assessment." It clarified that "state assessment" means "an assessment required pursuant to State or federal law and administered to all students in a specific grade level or

subject area and whose results are aggregated for analysis at the district, school, or student subgroup level." (emphasis added) N.J.S.A. 18A:7C-6.4 and -6.5. These amendments, enacted after the Department implemented the PARCC assessments, demonstrate that the Legislature concurred that the purpose of all state assessments, including the graduation proficiency test, was to measure whether students had mastered a level of proficiency as delineated by grade level. Thus, an assessment administered "to all 11th grade pupils" measures whether students have reached 11th grade proficiency, and need not necessarily be a test taken in a student's 11th grade year.

And the fact that the assessments required for graduation are administered at the end of the respective courses and not on an arbitrary date during a student's junior year, further supports the State Board's rationale for selecting these PARCC tests to meet the graduation proficiency requirement. In addition to measuring student competency, an equally important purpose of the PSAA is to assist school districts in identifying areas of student deficiency and developing appropriate remedial programs. Thus, N.J.S.A. 18A:7C-3 requires that "[f]or any student who does not meet the State and district examination standards for graduation by the end of 11th grade, the local board of education when appropriate shall provide additional remedial instruction specifically directed toward mastery of

those proficiencies identified as necessary for the awarding of a diploma. . . ." The PARCC suite of examinations is uniquely suited to quickly provide the type of data-driven feedback that will enable educators to pinpoint student deficits and to structure remedial instruction, which "may include . . . an extended school year, extended school day, or additional school years." N.J.S.A. 18A:7C-3; Pa8. Under the approach apparently preferred by Appellants, the HSPA was administered at the end of a student's junior year, and results were not available until sometime during their senior year, leaving little time to implement the additional instruction contemplated by the Legislature. The PARCC examinations represent a movement toward furthering these remedial goals.

Appellants next argue that the amended regulations are invalid as they designate two tests as the new graduation assessment rather than one comprehensive examination. (Pb21). This argument also lacks merit. The PSAA calls for a "Statewide assessment in reading, writing, and computational skills..." N.J.S.A. 18A:7C-1. A reasonable interpretation of this directive is to test for these subject areas when courses are completed -- which may occur at different times. Breaking down the graduation test into component parts is practical and falls squarely within the authority granted to the State Board. So, like the HSPA favored by Appellants, the current graduation

assessment measures proficiency in ELA in one sitting and Math in another. And like the HSPA, if a student fails one component, he or she need only re-take the test for just that subject matter.

The decision to administer the separate components of the graduation test at the end of the respective courses is exactly the type of policy decision that the Legislature traditionally leaves to the administrative agency charged with fulfilling a statutory mandate. Adopting the Appellants' narrow and rigid reading of the statutory requirement would deprive the State Board of the flexibility to respond to the changing conditions of evolving educational policy. In re Agricultural, Aquacultural, & Horticultural Water Usage Certification Rules, N.J.A.C. 7:20A-1.1 et seq., 410 N.J. Super. 209, 224 (App. Div. 2009) (quoting Texter v. Dep't of Human Servs., 88 N.J. 376, 385 (1982)). Thus the designation of separate PARCC tests for assessing competency in the two statutorily required content areas does not violate the language or intent of the statute.

Appellants' next assertion that the regulations deprive students of the right to re-take the tests is a misreading of the regulations. (Pb23). The rules do not deny students retesting opportunities. The PARCC testing schedule developed by the Department allows for retesting of up to 3 times per

year, in the fall, spring and summer.⁶ In fact, that is an improvement over the previous practice, which provided for only 2 opportunities for retesting -- October and March of a student's senior year. See New Jersey Department of Education, Your Guide to the HSPA (Mar. 2014), www.nj.gov/njded/assessment/hs/hspa_guide_english.pdf, at pg. 2 (last visited 5/25/17).

Appellants argument that PARCC re-testing, even if "technically possible," is a practical impossibility also misinterprets the timing of the testing opportunities. (Pb25). While the Department acknowledges that the PARCC tests are best taken at the end of the related course, students may re-take an exam the following year or semester, after receiving appropriate remedial instruction from the school district. (Pa60). Appellants also suggest that students who are taking a PARCC-tested course for the first time in the 12th grade will have no recourse if they fail. (Pb25). That argument is based on the

⁶ See PARCC testing schedule for 2017-2018, available at <http://www.state.nj.us/education/assessment/20172018TestingCalendar.pdf>, and testing schedule for 2016-2017, available at <http://www.state.nj.us/education/assessment/20162017TestingCalendar.pdf>. See also Memorandum from Jeffery Hauger, Director of DOE's Office of Assessments to Chief School Administrators et al., "Partnership for Assessment of Readiness for College and Careers (PARCC) Summer 2017 Algebra 1, Geometry, and Algebra II Test Administrations," February 22, 2017, available at [https://homerom5.doe.state.nj.us/broadcasts/2017/FEB/22/16023/Partnership%20for%20Assessment%20of%20Readiness%20for%20College%20and%20Careers%20\(PARCC\)%20Summer%202017%20Test%20Administration.pdf](https://homerom5.doe.state.nj.us/broadcasts/2017/FEB/22/16023/Partnership%20for%20Assessment%20of%20Readiness%20for%20College%20and%20Careers%20(PARCC)%20Summer%202017%20Test%20Administration.pdf) (offering a summer PARCC exam for math courses).

faulty assumption that the student's inability to graduate is based solely on the fact that he or she failed a PARCC exam. In reality, if that student was taking, for example, an Algebra I course for the first time in 12th grade, he or she would not satisfy the mathematics curriculum requirements for graduation.⁷ N.J.A.C. 6A:8-5.1(a)(1)(ii). The fact that some students may not otherwise meet the graduation requirements does not invalidate the State assessment regulations.

Finally, Appellants argue that for the graduating cohorts of 2020 and beyond, the rules unlawfully prevent access to the portfolio review process because they require, as a condition of access, that students take all PARCC exams tied to their courses. (Pb26). To support this argument, Appellants rely on N.J.S.A. 18A:7C-3, which states that any 12th grade student who has not passed the graduation assessment, "but who has met all the credit, curriculum and attendance requirements shall be eligible for a comprehensive assessment of said proficiencies utilizing techniques and instruments other than standardized tests..." Appellants contend that N.J.A.C. 6A:8-5.1(f)(2) and (g), which require that students in cohorts 2020 and beyond participate in all PARCC examinations for which they are eligible in order to participate in the portfolio review

⁷ The high school mathematics curriculum is designed to build on the skills taught in Algebra I and geometry N.J.A.C. 6A:8-5.1(a)(1)(ii).

process, violates the enabling statute. This argument also fails.

First, under N.J.S.A. 18A:7C-3, only students who have met all credit and curriculum requirements are eligible to graduate using the portfolio review process. Because participation in all PARCC exams for which a student is enrolled is a curriculum requirement under N.J.A.C. 6A:8-4.1(c), the State Board reasonably conditioned eligibility for the portfolio review process on completion of the PARCC exams. Indeed, there is no requirement that students pass the tests. Notably, this condition first applies to the 2020 cohort, as that was the first class to enter high school following promulgation of the regulations.

Next, the intent of N.J.S.A. 18A:7C-3 is to ensure remedial instruction for those students who have not passed the graduation assessment. The State Board chose the PARCC exams as the graduation assessment in large part because they enabled educators to identify the specific areas of student deficiencies in order to provide targeted remedial instruction. Thus, requiring participation in all PARCC exams aligns with the legislative intent of the PSAA as they assist educators in undertaking necessary remedial instruction.

In sum, the Legislature delegated to the State Board the authority to promulgate regulations necessary to effectuate the

provisions of the PSAA. Relying on its experience and expertise, the State Board's amended rules governing the graduation proficiency test "promotes[s] [and] advance[s] the policies and findings that served as a driving force for the enactment of that legislation." In re Certain Amendments to the Adopted and Approved Solid Waste Mgmt. Plan of the Hudson County Solid Waste Mgmt. Dist., 133 N.J. at 216. The court should defer to the State Board's determination and uphold the challenged regulations.

POINT II

THE REGULATIONS ARE CONSISTENT WITH THE THOROUGH AND EFFICIENT EDUCATION CLAUSE OF THE NEW JERSEY CONSTITUTION.

As part of the transition process to full implementation of the new graduation proficiency test, the State Board authorized the use of substitute competency tests as an alternative pathway for students to satisfy the graduation requirement. The substitute competency tests are defined as "an alternative set of third-party assessments approved by the Commissioner, including, but not limited to the SAT, PSAT, ACT, ACT-Aspire, ASVAB-AFQT, or Accuplacer." N.J.A.C. 6A:8-1.3. Available to students up to and including the graduating class of 2020, the substitute competency tests serve as another option, in addition to the PARCC examinations and portfolio appeals process, to meet the requirements of the PSAA. During this transition period,

those students who score at or above the "cut score" established by the Commissioner on a substitute competency examination may choose to submit those results in lieu of participating in the PARCC or portfolio appeals process. N.J.A.C. 6A:8-1.3.

The purpose of the substitute competency pathway is to ease the transition for students who had already begun high school at the time the new regulations were promulgated. Based on when the regulations became effective, these students were not able to take the HSPA and may have had limited opportunities to participate in PARCC assessments. Some may have previously opted out of taking the Alg I or ELA 10 PARCC exam. While PARCC re-testing and the portfolio appeals process remain open to these students, the availability of substitute competency tests reduces the likelihood that students will be negatively impacted during the transition. (Pa4; Ra41).

The substitute competency tests designated by the State Board include assessments that many high school students already take in preparation for applying for college. They include exams such as the PSAT and ASVAB, which are typically offered at no cost to students, and the SAT and ACT, which are offered for a fee that can be waived for low-income students. Thus, during the transition period, students who did not pass and/or take the PARCC, but have already taken one or more of the substitute competency tests, may use those scores in place of the portfolio

appeals process. And the inclusion of tests that many students already take for college admission purposes helps ameliorate some of the concerns raised regarding over-testing.

Appellants argue that the substitute competency tests are unconstitutional because they are not specifically aligned with the State's curricula content standards and because some of the tests are fee-based. Appellants' arguments fail because the substitute competency tests serve the statutory purpose of demonstrating college and career readiness, and because they do not deprive low-income students of the ability to graduate.

As the New Jersey Supreme Court explained,

a thorough and efficient education requires a certain level of educational opportunity, a minimum that will equip the student to become a citizen and a competitor in the labor market. The State's obligation to attain that minimum is absolute, any district that fails must be compelled to comply. If, however, that level is reached, the constitutional mandate is fully satisfied regardless of the fact that some districts may exceed it.

[Abbott v. Burke, 119 N.J. 287, 306 (1990).]

Here, the PARCC examinations measure whether that constitutional baseline has been achieved. And those assessments are fully available to all students during the transition period. The substitute competency tests are nationally normed tests, geared to assess a student's aptitude for higher education or a military career. (Pa5). They adhere to the overall purpose of

the PSAA, as they test students for college and career preparedness. N.J.A.C. 6A:8-1.1. While the substitute competency examinations are not specifically aligned to the State curriculum standards, they are not being used as a basis for instruction or for remedial programs. Instead, their use during a short transition period simply reflects the State Board's recognition that students who have passed the stringent requirements for admission to an institution of higher education possess the minimum level of skills to graduate from high school. N.J.S.A. 18A:7C-6.1.

And contrary to Appellants' assertion, the State Board's transitional use of a substitute competency examination in no way deprives low-income students of the ability to graduate. First, all students are eligible to take the PARCC examination and/or the portfolio appeal at absolutely no cost. That is the typical, preferred path to graduation and it is open to all. Next, no student is in any way required to take a substitute competency examination. That pathway primarily serves those students who have already taken or plan to take the tests in preparation for college or a military career. For those students, there is no extra cost imposed if they choose to submit their scores to fulfill the graduation requirement. Finally, for those students who now desire to take a substitute competency examination in order to graduate, several are

administered at no cost to the student, and the others provide for need-based fee waivers. Thus, the use of substitute competency tests, during the transitional period, does not violate the New Jersey Constitution.

POINT III

APPELLANTS CANNOT ESTABLISH A PRIMA FACIE CASE OF DISPARATE IMPACT.

Finally, Appellants argue that the inclusion of fee-based tests as one of the pathways to graduation during the transitional phase has a disparate impact based on race and national origin in violation of the New Jersey's Law Against Discrimination, N.J.S.A. 10:5-1 et seq. ("LAD"). (Ab35). In order to establish a disparate impact claim, Appellants must show that a facially neutral policy resulted in a significantly disproportional or adverse impact on members of a protected class. Gerety v. Atl. City Hilton Casino Resort, 184 N.J. 391, 399-400 (2005)⁸. Appellants must establish a causal link between

⁸ In interpreting the LAD, NJ has patterned the methods of proof for LAD disparate impact claims after the federal burden shifting analysis under Title VII, 42 U.S.C.S. §§ 2000e to 2000e-17, Grigoletti v. Orth Pharm. Corp., 118 N.J. 89, 97 (noting that New Jersey courts have traditionally "looked to federal law as a key source of interpretive authority" for the substantive and procedural standards that govern claims under the LAD); Esposito v. Twp. of Edison, 306 N.J. Super 280, 289-290 (App. Div. 1997). Although Title VII deals with discrimination in employment, Title VI concerns discrimination in programs or activities which receive federal financial assistance. Title VI also follows Title VII interpretation.

the alleged facially neutral policy and the resulting disparate impact on the protected group. Watson v. Ft. Worth Bank & Trust, 487 U.S. 977, 994-995 (1988). Commonly, a plaintiff will endeavor to show this disparate impact through the use of statistical evidence. However, the statistical proofs of disparate impact "must be sufficiently substantial that they raise such an inference of causation." Id. at 995.

Here, in order to establish that the graduation regulations violate the NJLAD, Appellants must show that these regulations disproportionately deny a protected class the opportunity to graduate from secondary school. In order to do so, Appellants must establish: 1) that a protected class is disproportionately denied access to the substitute competency exams; and 2) that such denial has a disparate impact on those students achieving graduation. No such evidence exists in the record.

Instead, Appellants' disparate impact claim is based on layers of speculation. They argue: (1) that low-income students will likely have more limited access to the fee-based substitute competency tests; (2) that low-income students are more likely to be members of a protected class; and therefore (3) that lack of access to substitute competency tests will likely fall disproportionately on members of protected classes

See e.g., Blunt v. Lower Merion Sch. Dist., 767 F.3d 247, 276 (3d Cir. 2014).

and prevent them from graduating. Yet there is no evidence in the record to support Appellants' hypothesis that low-income students are denied access to substitute competency tests. And more importantly, Appellants utterly ignore the fact that the PARCC and portfolio review process are available to all students, at absolutely no cost, and the use of substitute competency tests is only for the transitional period. So there is no basis to conclude, on this record, that the transitional use of substitute competency examinations has or will have a disparate impact on members of protected classes. If Appellants wish to bring a challenge to the regulations as applied, with evidential support, the case should be brought before the NJDOE, Bureau of Controversies and Disputes. As such, the Court should reject this claim and affirm the State Board' regulations.

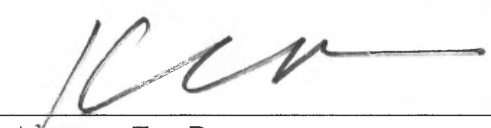
CONCLUSION

For the foregoing reasons, the graduation regulations should be upheld.

Respectfully submitted,

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ATTORNEY GENERAL OF NEW JERSEY

By: _____


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Dated: 5/30/17



**STUDY COMMISSION ON THE USE
OF STUDENT ASSESSMENTS
IN NEW JERSEY**

Final Report

January 11, 2016

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Introduction¹

In its work, the Study Commission on the Use of Student Assessments in New Jersey (Study Commission) has been guided by the charge embodied within Governor Chris Christie's Executive Order No. 159 to improve the quality of education for all New Jersey children. The members of the Study Commission clearly recognize education is the greatest gift that one generation can give to the next, and they further understand the educational professionals who lead and staff schools deserve praise and encouragement for their daily commitments to students.

To improve the quality of education, a vision for educational excellence and equity must be crafted and shared among all educators and families throughout the State. Excellence means preparing students for the future challenges of adulthood, college, and career. Equity means all students should have the opportunity to receive a quality education regardless of their race, ethnicity, gender, language proficiency, family income, place of residence, or need for special programs or accommodations.

In the pursuit of continuous quality improvement, the Study Commission recognizes that the State's system of public education must have: (a) a strong, shared expectation for achievement through rigorous standards that are closely aligned with the expectations of colleges and employers; (b) an aligned curriculum, instructional resources, and lesson plans to implement the standards; (c) high-quality assessments to measure student, school, and Statewide progress; and (d) policies and practices to use wisely the information that the assessments provide to improve teaching and learning and to help struggling schools. In this context, New Jersey's Statewide assessments (i.e., Partnership for Assessment of Readiness for College and Careers (PARCC) and exams in science) must be viewed in conjunction with other measures of student performance to provide robust, comprehensive, and detailed data that are capable of informing continuous improvement strategies at the student, classroom, school, school district, State, and national levels. Success for students means more than a one-time snapshot from a single standardized test, but rather multiple measures across a student's entire school experience. Attendance and graduation rates; disciplinary and behavioral data, including suspensions and expulsions; and career and technical education readiness data are just some examples of multiple measures that can provide a more complete picture of educational needs and inform strategies for continuous improvement.

The Study Commission also recognizes that much is being asked of schools and educational professionals whose needs and concerns must be heard, acknowledged, and addressed as the changes associated with continuous school improvement progress. For this reason, there must be clear recognition by all concerned that meaningful change will happen gradually, over many years, and with positive outcomes being determined by patience and persistence. The State also should bear in mind the need to complement this vision of continuous improvement with work being done in other education areas, such as improved programs and services for students with disabilities, career and technical education, chronic absenteeism, and dual enrollment with higher education.

Finally, the Study Commission recognizes that creating a shared understanding of the standards-based change process that reflects the concerns voiced by many educators, parents, and members of the general public has been a challenging task. The Study Commission deeply appreciates the

¹ The drafting of the Final Report began on October 1, 2015, and does not reflect events that transpired after that date.

many comments, both positive and negative, received from these constituencies during its deliberations.

In this report, the Study Commission seeks to clearly demonstrate it has listened to and considered the comments and has responded and provided clarification, as appropriate. The Study Commission acknowledges the concerns that have been voiced about the issue of over-testing in the State's public schools and its impact on instruction. It has addressed this issue both in its Interim Report (December, 2014) and in recommendations that follow.

In addition, the Study Commission acknowledges the concerns about the use of assessment data in the State's educator evaluation process. However, using data to inform practice is a nearly universally accepted improvement strategy. Consequently, the Study Commission does not believe the philosophy of data-informed practice is among the root causes for the criticisms that have been raised in the debate regarding standardized testing and PARCC. The Study Commission recognizes that some educational practitioners who have advanced concerns in both emails and public testimony sessions are genuinely concerned they might be held accountable by school district administrators and district boards of education for things clearly outside their control. For example, among the many educators and members of the public who offered comments to or testimony before the Study Commission, there was concern regarding the use of standardized test data (specifically PARCC data) in the educator evaluation process. There was also concern that English language arts and mathematics teachers in grades 3 to 8 (a relatively small subset of the State's teaching force) would be disproportionately impacted in their evaluations by the use of median student growth percentile (mSGP) scores derived from their students' academic growth on the PARCC assessment. Based upon the first year of educator evaluation implementation, summative data across the State served to mitigate much of this concern, namely that (a) the vast majority of New Jersey teachers were rated "effective" or "highly effective," and (b) the distributions of teacher ratings with and without mSGP scores were nearly identical.

Nevertheless, anxiety and fear levels surrounding this issue remain palpable and appear to have formed at least part of the basis for the anti-PARCC television, radio, and print advertisements, which arguably appear to have contributed significantly to the parent opt-out movement in spring 2015². A lack of trust between policymakers and educators and the abundance of misinformation seem only to add to this atmosphere of anxiety and fear. Therefore, many of the recommendations that follow focus on improving the relationships between policymakers and educators and on building educator confidence that the State's educational system appropriately uses assessments to foster learning. Improving relationships is critical, given the importance of school-based, data-informed collaborations between classroom teachers and school leaders to improve instruction. Quite simply, the Study Commission believes educators, parents, district board of education members, and other stakeholders must embrace a shared understanding that assessment data can be used effectively to inform and improve teaching. Moreover, the PARCC data must become a critical part of this shared understanding as the data continue to be better understood.

In the following pages, the Study Commission continually addresses the issues of communication and professional learning, which are prerequisite to effective change. However, the Study Commission clearly understands there are many obstacles and impediments to be

² In spring 2015, the New Jersey Education Association launched an intensive negative public relations campaign related to the use of standardized testing that was aimed to coincide with the spring PARCC test administration.

confronted in attempting to communicate factual information to educators, parents, and the public-at-large, many of whom no longer use traditional outlets (e.g., news reports) to acquire information and knowledge. Increasingly, much information (and much misinformation) is being transmitted through various forms of social media, which can complicate the burden of communicating accurate and factual information. The ability of government and educational advocacy organizations to rise above the clamor of social media is limited. Nevertheless, the Study Commission offers several recommendations for transmitting accurate information to different audiences. In doing so, the Study Commission acknowledges that accomplishing this objective may require either the allocation of new resources or a fundamental change in thinking about how government communicates, or both.

However, one point must be abundantly clear: the Study Commission firmly believes all students in New Jersey's public schools who are eligible should be required to take the State standardized assessment (i.e., PARCC). Doing so will ensure all students are progressing well in their educational endeavors and all public schools are effective for all students. High-quality assessments such as PARCC will hold schools accountable for serving all of their students, including those from disadvantaged backgrounds. The Study Commission believes it will be impossible to effectively close achievement gaps between and among students without accurate and actionable information.

Background on the Work of the Study Commission

This is the Study Commission's Final Report, as mandated by Executive Order No. 159, which was issued by Governor Christie on July 14, 2014. The stated charge to the Study Commission was to review and make recommendations to the Governor regarding the quality and effectiveness of student assessments administered to kindergarten through grade 12 (K-12) students in New Jersey. In particular, the Study Commission was charged to consider and make recommendations on the volume, frequency, and impact of student assessments occurring throughout New Jersey school districts, as well as on the Core Curriculum Content Standards, including the Common Core State Standards.

The Study Commission included individuals with broad backgrounds and experiences in education, higher education, and business, including practitioners and parents. Commissioner David C. Hespe was appointed chair of the Study Commission, and several members of the New Jersey Department of Education also participated as staff to the Study Commission.

As the Study Commission was engaged in its deliberations, Governor Christie announced on May 28, 2015, his concern regarding the Common Core State Standards. Governor Christie also called for the assembly of teams of educators and parents to conduct a point-by-point review of existing New Jersey standards with the objective of making recommendations for standards that are even higher than the Common Core State Standards and are New Jersey-based. In view of this fact, the Study Commission offers recommendations that reflect this comprehensive ongoing review.

Organization of the Final Report

The remainder of this report is organized in three sections: (1) a brief description of the Study Commission's meeting schedule; (2) a brief description of the processes used by the Study Commission to elicit testimony and feedback from educators, parents, interested members of the general public, and students; and (3) a series of recommendations offered by the Study Commission according to the four major themes or strands that comprise its focus: (a) Statewide

standards for excellence in education; (b) a shared vision for a comprehensive assessment system; (c) assessment tools, including PARCC; and (d) use of data to improve teaching and learning.

The report also includes a number of appendices. The Executive Order for the organization and work of the Study Commission is presented in Appendix 1, and a complete listing of Study Commission members and staff is presented in Appendix 2. A list of presenters and a brief description of their statements is presented in Appendix 3, an illustration and description of the CAR is presented in Appendix 4, and a list of resource materials that were used by the Study Commission is presented in Appendix 5.

Study Commission Meeting Schedule

The Study Commission conducted 21 meetings from November 2014 through November 2015, (exclusive of the public testimony sessions) during which presentations were received and discussions were held regarding the issues identified in the Executive Order. As part of the deliberative process, detailed minutes of meetings were developed and posted on the Study Commission's website for public access.

Process for Eliciting Input from the Public and Education Community

A user-friendly website (<http://www.state.nj.us/education/studycommission>) was created to serve as a convenient communication tool both to inform the citizens of New Jersey about the work of the Study Commission and to provide a mechanism for public input and feedback. On this website, the Study Commission posted Executive Order No. 159 and a press release announcing its organization. The website further included the following: identification of all members of the Study Commission, as well as their professional affiliations; minutes of all Study Commission meetings; and a mechanism for the public to submit input, plus a telephone number and an email address (studycommission@doe.state.nj.us). Email messages from approximately 300 individuals were received for review by members of the Study Commission.

Three sessions were also held in January and February 2015 in Jersey City (north), Jackson Township (central), and Blackwood (south) to elicit public testimony regarding the issues relating to the Common Core State Standards, high-stakes testing, and the PARCC assessment. Comments were offered by approximately 100 people.

Process for Eliciting Student Feedback about PARCC Testing

Representatives of the Study Commission also conducted three feedback sessions in June 2015 at East Side High School in Newark (north), Melvin H. Kreps Middle School in East Windsor (central), and Mary S. Shoemaker Elementary School in Woodstown (south) with 17 students to elicit information regarding their experiences with the March and May administrations of the PARCC assessment.

Study Commission Final Recommendations

The following recommendations are presented according to the four major themes or strands that have been described above: (a) Statewide standards for excellence in education; (b) a shared vision for a comprehensive assessment system; (c) assessment tools, including PARCC; and (d) use of data to improve teaching and learning.

1. Statewide Standards for Excellence in Education

In June 2010, the State of New Jersey formally adopted the Common Core State Standards for kindergarten through grade 12 in English language arts and mathematics. The standards were intended to provide a clear and consistent framework to prepare the State's children for the college- and career-readiness demands of the 21st century.

The current standards for mathematics are intended to measure students' abilities to: (1) make sense of problems and persevere in solving them; (2) reason abstractly and quantitatively; (3) construct viable arguments and critique the reasoning of others; (4) model with mathematics; (5) use appropriate tools strategically; (6) attend to precision; (7) look for and make use of structure; and (8) look for and express regularity in repeated reasoning. Key features of the English language arts standards include: (1) reading, i.e., text complexity and the growth of comprehension; (2) writing, i.e., text types, responding to reading, and research; (3) speaking and listening, i.e., flexible communication and collaboration; and (4) language, i.e., conventions, effective use, and vocabulary.

As noted above, Governor Christie voiced his concern with New Jersey's commitment to the Common Core State Standards during the Study Commissions deliberations. Governor Christie also called for the assembly of teams of educators and parents to conduct a point-by-point review of the Common Core State Standards with the objective of making recommendations for New Jersey-based standards that are even higher than the Common Core State Standards. To that end, the Study Commission offers the following recommendations³.

Standards Review and Development

Recommendation 1

The Study Commission recommends the pending review of existing State standards utilize the following criteria. New Jersey's standards should be:

- Aligned with college and career readiness requirements;
- Connected to the real world using higher-order thinking skills, i.e., problem solving, reasoning, fluency, and synthesis (apply to new situations);
- Age appropriate and sequenced (progression of achievement from grade to grade);
- Focused (greater mastery of fewer standards);
- Coherent and clear;
- Aligned with technology; and
- Comparable nationally and internationally.

Recommendation 2

The Study Commission recommends the pending review of existing State standards include a review of the results of the 2015 PARCC assessment, as well as the standard-specific

³ The Study Commission notes the deliberations currently underway in the U.S. Congress regarding the re-authorization of the *No Child Left Behind Act* (P.L. 107-11) may impact the Final Report's recommendations.

testimony and feedback from the public and students received by the Study Commission, as they might provide insights regarding the clarity of the standards and how the standards have been implemented.

Recommendation 3

The Study Commission recommends that the NJDOE provide school districts with the time, support, professional learning, and communication necessary to accommodate any changes to the standards that might impact the school district's planning, implementation, and decision making about curriculum, instruction, and/or instructional resources.

Recommendation 4

The Study Commission recommends that, as the review of State standards progresses, greater consideration, emphasis, and focus be given to preparing students for 21st century jobs and careers and the knowledge and skills students will need to perform well in those jobs and careers, including communication, problem solving, and critical thinking skills, as well as some of the "softer" life skills, such as perseverance and global citizenship.

Recommendation 5

The Study Commission fully supports the NJDOE's efforts in the implementation of the Next Generation Science Standards (NGSS) and recommends that all education stakeholders support and promote the new science standards.

Professional Learning Regarding the Implementation of Standards

Recommendation 6

The Study Commission recommends that the NJDOE assume a leadership role in developing broad partnerships with State education associations and advocacy groups (including, but not limited to, the New Jersey Education Association (NJEA), New Jersey Principals and Supervisors Association (NJPSA), New Jersey School Boards Association (NJSBA), New Jersey Association of School Administrators (NJASA), New Jersey Parents and Teachers Association (NJPTA), institutions of higher education (IHEs), and the business community) to provide school districts and educators with readily available, accessible, comprehensive, and sustained professional learning and associated resources that are aligned with revised State standards and that can assist school districts in developing and implementing curricula.

Recommendation 7

The Study Commission recommends that the NJDOE collaborate with State education associations and advocacy groups to create online cross-disciplinary professional learning initiatives accompanied by sufficient incentives to encourage the State's educators to expand their professional knowledge and skills and to turn-key their learning for colleagues.

Recommendation 8

The Study Commission endorses the understanding that every teacher is a literacy teacher and recommends that the NJDOE encourage school districts to devote considerable time and effort to providing sustained professional learning in standards-based instruction for teachers of subjects other than English language arts and mathematics. The Study Commission recognizes that current educational standards cannot be effectively implemented without instructional technology and, consequently, the Study Commission further recommends that school districts continue to provide the resources and professional learning necessary to infuse technology in curriculum and instructional practices.

2. Shared Vision for a Comprehensive Assessment System

Regarding the ongoing debate about changes in State standards and assessment systems, the Study Commission recognizes the importance of organization and communication in effecting meaningful and systemic change. The Study Commission also recognizes that change is best accomplished when it is predicated upon the acceptance of a vision for assessment that is widely shared and communicated among stakeholders.

The term “assessment” is often used as a synonym for “testing” or “evaluation,” which sometimes confuses the issue. For the purposes of the Study Commission’s work, the following operational definition was adopted:

Assessment is the collection, interpretation, and strategic use of information to inform educators, students, and parents/guardians about student progress in attaining the knowledge, skills, attitudes, and behaviors to be learned or acquired in school. Assessment can be in the form of formative, interim, and summative measures of student performance (including teacher-made, commercial, or state assessments, and multiple formats, e.g., forced choice, constructed response, projects, etc.). (Adapted from the Illinois State Board of Education, Zaleski, 2014).

The foundation of an excellent assessment system includes a viable aligned curriculum; aligned assessments; assessment-literate educators/students/parents; time for collaborative teamwork that is focused on curriculum, instruction, and the use of assessment data to improve student learning; and a long-term vision and commitment to the work of assessment. It represents practice/process versus mere compliance (Wright, 2014).

A comprehensive assessment system is an integral part of the instructional process; is inextricably linked to a viable curriculum and effective instructional practice; and uses State, formative, interim, and summative assessment tools that are tightly aligned to standards to inform curriculum, instruction, and assessment. A comprehensive assessment system is used to address immediate student needs, inform ongoing instructional changes, guide long-term educational improvement, and provide on-going, timely, and actionable information on what students know, understand, and are able to do in relation to the standards. In a comprehensive assessment system, a well-planned and thorough professional learning program is put in place to strengthen the assessment literacy of all education stakeholders and to ensure an efficient assessment and testing program (Wright, 2014).

The Study Commission has carefully reviewed the Connected Action Roadmap (CAR)⁴ and has determined that it represents an excellent model for a comprehensive, aligned assessment system and a shared Statewide educational vision and offers the following recommendations.

Recommendation 9

The Study Commission recommends that the NJDOE work proactively with other State agencies, education associations, advocacy groups, and individual educators to implement and communicate a shared vision for the appropriate use of assessments through a comprehensive assessment system consistent with CAR. This should be reflected in the strategic plans of the NJDOE, as well as school districts throughout the State. The shared

⁴ The Connected Action Roadmap (CAR) was presented by Patricia Wright, executive director of the New Jersey Principals and Supervisors Association, and an illustration of the model is attached to this report as Appendix 4.

vision should further address the impact of PARCC and end-of-course (EOC) testing on midterms and final examinations at the high school level.

Recommendation 10

The Study Commission further recommends that the NJDOE assist school districts in obtaining the training necessary to establish their own comprehensive vision for school district assessment and how each assessment tool relates to an important learning or strategic objective.

Recommendation 11

The Study Commission recommends that the process for communicating the shared vision for assessment include multiple strategies and tools for communication, numerous forums and venues at various times, and multiple methods for assessing the quality and effectiveness of the messages. All events and announcements made throughout the year (e.g., test score releases, testing windows, educator evaluation reports) must be consistent, clearly connected to the shared vision, and coordinated among stakeholder groups at the State and local levels via multiple sources.

Recommendation 12

To create a meaningful assessment system in New Jersey, a shared vision (including a consistent level of awareness and understanding of assessment purposes and strategies by practitioners, i.e., teachers and principals) is essential. Therefore, the Study Commission recommends that the NJDOE assume a leadership role in ensuring all State education associations and advocacy groups commit to bear a collective responsibility for communicating widely and consistently throughout New Jersey this shared vision for assessment.

Recommendation 13

The Study Commission recommends that the NJDOE strongly encourage pre-service providers to emphasize more fully in their educator preparation programs the efficient and effective use of student assessment measures and techniques, especially regarding test and item construction and data analysis.

Recommendation 14

The Study Commission recommends that the NJDOE, in cooperation with State educational associations and advocacy groups, develop and launch a proactive communication campaign throughout the State regarding: (a) the State's role and responsibilities under federal and State laws and regulations with respect to educational standards and the use of student assessments in schools; (b) best practices in assessment of all student populations, including English language learners and students with disabilities and; and (c) what the NJDOE determines to be the most common, frequently occurring, and widespread misunderstandings and inaccuracies about educational standards and the use of student assessments in New Jersey's public schools.

Recommendation 15

The Study Commission recognizes the critical need for comprehensive and sustained professional learning that focuses on assessment literacy. Therefore, the Study Commission recommends that the NJDOE assume a leadership role in providing such training. NJDOE's memorandum of understanding with the New Jersey Institute of Technology to develop interactive modules on professional learning communities will be especially useful in this endeavor. Moreover, the Study Commission recommends that professional learning be

differentiated to meet the diverse needs of different constituencies, i.e., district board of education members, school district and school administrators, teachers, other staff, and parents. In addition, State education associations and advocacy groups must also commit to provide school district and school stakeholders with consistent professional learning opportunities in assessment purposes and strategies.

Recommendation 16

The Study Commission recommends that the NJDOE organize a communication team, comprised of representatives from all stakeholder groups, to pool resources and coordinate and facilitate Statewide communication of the assessment vision. This team is not intended to serve as an advocacy group, but rather as an informational group.

Recommendation 17

Among the strategies to be used for delivering a widespread and consistent message about the assessment vision, as well as other critical issues in education, the Study Commission recommends the NJDOE (a) employ public access television channels and radio throughout the State to run informational broadcasts about the shared assessment vision; (b) seek the cooperation of the business community and philanthropic organizations to fund and sponsor the development of such informational broadcasts; (c) prepare ready-to-use multimedia informational packets and make them available to district boards of education and educators; and (d) use television and radio outlets and social media to more consistently reach out directly to parents and families about ways in which they can support their children's learning.

Recommendation 18

The Study Commission acknowledges that the trickle-down process for communicating information about issues of importance and concern can at times be slow, cumbersome, inefficient, and ineffective, especially when the process includes multiple organizational levels. Accordingly, the Study Commission recommends that the NJDOE work with school districts and State education associations and advocacy groups to create a database of professional email addresses with a singular purpose to provide a mechanism for communicating directly with educators in New Jersey's public schools. This database would not be used to disseminate position statements, but rather to provide timely, uniform, consistent, and accurate information to educators (e.g., schedules for the release of Statewide assessment score reports and educator evaluation processes).

3. Assessment Tools, including PARCC

Standardized Testing and Over-Testing

During its deliberations, the Study Commission received testimony and correspondence from a diverse group of stakeholders and interested publics regarding perceived strengths and weaknesses of standardized testing, in general, and the PARCC assessment, in particular. Another issue raised during the Study Commission's testimony sessions and in correspondence was excessive testing and the time diverted from instruction to prepare for and administer the assessments.

The Study Commission is cognizant that the only testing required by the NJDOE is conducted annually via the Statewide assessments in English language arts, mathematics, and science, which are mandated by State statute and the federal Elementary and Secondary Education Act (ESEA). Other tests administered in schools are at the discretion of school districts and/or

schools (e.g., periodic formative, diagnostic, and achievement tests) or individual students (e.g., Advanced Placement, PSAT, SAT). Nevertheless, the Study Commission surmises that over-testing in the State's public schools is a serious issue and a cause of concern. In response, the Study Commission offers the following recommendations (some of which were offered in its Interim Report, December 31, 2014).

Recommendation 19

Effective and efficient assessment systems require adherence to a set of principles linking curriculum, instructional practice, and assessment; stakeholder collaboration; and rigorous data analyses. The Study Commission recommends that school districts continue to be held accountable, via the Quality Single Accountability Continuum (QSAC), for the development and implementation of aligned, efficient, and effective student assessment systems based on those principles.

Recommendation 20

The Study Commission recommends that school districts conduct a thorough inventory and analysis of their own student assessment systems to: (a) determine which tests and assessments are being administered to students; (b) determine the minimum testing necessary to serve diagnostic, instructional, and accountability purposes; (c) ensure every test and assessment is of high quality; (d) ensure every test and assessment is providing the information needed for specific school and school district purposes; and (e) ensure every test and assessment is supported by structures and routines so assessment results are effectively used to improve student learning.

The Study Commission further recommends that the NJDOE commission a comprehensive research study in which the information generated in the above recommendation is compiled and organized to obtain an understanding of the volume, frequency, and impact of testing within the Statewide K-12 environment, including which assessments are being used in school districts, how often they are administered, what purposes they serve, how much time students and staff spend on preparing for and implementing the assessments, how school districts schedule the State-required assessments, and what impact the testing schedule has on student learning time.

Recommendation 21

The Study Commission recommends that school districts use the vision and philosophy of the CAR as the basis for reviewing their student assessment systems. School districts should conduct their reviews in the light of existing student assessment data, including PARCC results, with an eye toward ensuring their systems are aligned, efficient, and effective. The Study Commission further recommends that the Partnership on Collaborative Professional Learning provide the tools for this review⁵.

Recommendation 22

Consistent with a school district's vision, mission, goals, and objectives and to maximize transparency in testing, the Study Commission recommends that each school district engage its parents and community members in an ongoing conversation about the school district's

⁵ This consortium includes representatives from the N.J. Principals and Supervisors Association, the Foundation for Educational Administration, N.J. Education Association, N.J. Association for Supervision and Curriculum Development, N.J. Association of School Administrators, the Education Information and Resources Center, N.J. School Boards Association, Learning Forward New Jersey, N.J. Association of Colleges of Teacher Education, and the N.J. Department of Education.

plan for student assessment. The conversation about the school district's assessment plan should include which tests and assessment instruments will be administered to students at the school district, school, and classroom levels; what purposes the tests will serve; how often they will be administered; how much time the implementation of the instruments (including preparation and practice time) will be expended; and how the results of the testing will be used to provide supports, enrichment, and advancement to students. The NJDOE could assist in this effort by having the educational specialists within the county offices lead discussions with school districts about assessment literacy and implementation.

Continuation of New Jersey Participation in the PARCC Consortium

The Study Commission believes the ultimate selection of an appropriate Statewide standardized assessment must first and foremost be driven by a comprehensive evaluation of the needs of New Jersey's students and educators. Consequently, the Study Commission urges the NJDOE to remain vigilant to those needs. Further, the Study Commission believes the attributes of a good assessment tool include the following:

- (a) The assessment must be a learning tool capable of providing teachers and practitioners with the information necessary to identify learning gaps for individual students, classrooms, and schools. This requires the assessment to have the capacity to assess the depth and breadth of the appropriate standard(s), including higher-order skills such as critical thinking and problem solving. For the assessment to be valuable for instructional planning, teachers must have access to actual test items, which have not been accessible to teachers or school administrators because of prior constraints associated with the N. J. Assessment of Skills and Knowledge (NJASK) and High School Proficiency Assessment (HSPA). Similar to other states, New Jersey previously was unable to develop and administer an assessment instrument with a sufficiently large pool of test items to allow access to past test items. However, a consortium of states working together, pooling resources and expertise, and comparing experiences could accomplish this.
- (b) The assessment must also be an accurate predictor of college and career readiness from the earliest grades to the threshold of graduation. Students and parents deserve to know whether students are on track for entrance to college or entry-level jobs with the knowledge and skills necessary to be successful. In the past, the State assessment system did not provide this level of feedback.
- (c) The assessment should be capable of being administered electronically (i.e., by computer) to ensure students are prepared for the technology-rich world in which they will live and work. The assessment must also be capable of being scored quickly and returned to educators in a timely manner.
- (d) The administration of the assessment must be capable of assessing the needs of all students with greater ability to accommodate the special needs of students with disabilities and English language learners (ELLs).
- (e) Finally, the assessment must be capable of being used as a graduation test consistent with existing State statute and providing quantifiable information regarding educator performance that can be used, when combined with other information (e.g., supervisory observations of performance), to provide useful feedback to improve teaching through better support and development.

The Study Commission believes the PARCC assessments have the potential, over time, to exhibit all of the above-mentioned attributes and should continue as the State's assessment. Nevertheless, the Study Commission urges the NJDOE to continue the public dialogue regarding the extent to which the PARCC assessment lives up to these expectations over time. Further, the Study Commission acknowledges the importance of reviewing the Statewide assessment system whenever the standards are revised. Specifically, the Study Commission offers the following recommendations.

Recommendation 23

The Study Commission recognizes that Statewide standardized assessments are an important part of a comprehensive school improvement initiative and are necessary to provide equity in education and accountability for results. Based on information available at this time, the Study Commission recommends that the State of New Jersey continue its membership and participation in the PARCC consortium and annually administer the PARCC instrument as its Statewide assessment.

Recommendation 24

The Study Commission recommends that the NJDOE engage in ongoing dialogue with other states in the PARCC consortium regarding issues of collective concern. The Study Commission believes comparing experiences and data with other consortium members will help New Jersey to identify and improve best practices.

Recommendation 25

The Study Commission recommends that the NJDOE provide opportunities for waiver requests for the PARCC English language arts 11 (ELA 11) test for students who participate in an assessment that provides information for college placement nationwide (e.g., International Baccalaureate, Advanced Placement).

Recommendation 26

The Study Commission recommends that the NJDOE require all students enrolled in public schools in grades 3 through 12 to take, as appropriate under federal law, the Statewide standardized assessment in English language arts, mathematics, and science as prescribed in State statute and the EOC assessment (i.e., Algebra I & II, geometry, and ELA 9, 10, and 11). The Study Commission further recommends that the NJDOE explicitly advise school districts and the general public that there will continue to be no Statewide standardized testing in kindergarten through grade 2.

Recommendation 27

The Study Commission recommends that the NJDOE, in cooperation with State education associations and advocacy groups, identify a range of best practices that may be adopted by district boards of education when considering how to work with parents and communities to ensure all eligible students complete the Statewide assessments. The Study Commission recommends that the NJDOE communicate to school districts that both State and federal law require students to participate in the Statewide assessment programs, as appropriate. The consequences for schools and school districts for student non-participation in the Statewide assessment program, as required by federal law, should also be disseminated to school districts. The Study Commission recognizes that the NJDOE has provided such guidance to school districts during the current school year and further recommends that the NJDOE continue to provide such guidance on an annual basis.

Assessing Special Populations

The Study Commission acknowledges the assessment of special student populations, including students with disabilities and ELLs, offers unique challenges to school districts and the NJDOE. Accordingly, the Study Commission offers the following recommendations regarding the use of the PARCC and other assessments with these student populations.

Recommendation 28

The Study Commission recommends that the NJDOE, in cooperation with the members of the PARCC consortium, provide additional guidance to educators and parents of students with individualized education programs (IEPs) or 504 plans and students who are ELLs regarding the students' participation in the State assessment system and the selection of appropriate accommodations and accessibility features. This should be a collaborative effort between the Division of Data, Research, Evaluation and Reporting and the Division of Learning Supports and Specialized Services within the NJDOE, and should include expansion of web-based resources, regional training, embedded technical assistance, and timely dissemination of any new policies and procedures.

Recommendation 29

The Study Commission recommends that the NJDOE, in cooperation with State education associations and advocacy groups, explore the feasibility and desirability of expanding resources, including tools to measure literacy in ELLs' native languages.

Recommendation 30

The Study Commission recognizes the U.S. Department of Education (ED) currently requires students with an IEP to be tested at the grade level in which they participate rather than at the level at which they are taught. The Study Commission also recognizes this requirement may not always be in the best interests of affected students. Consequently, the Study Commission recommends that the NJDOE enter into a dialogue with the ED to address this concern and seek the authority to exercise greater flexibility when circumstances warrant.

Recommendation 31

The Study Commission recommends that the NJDOE, in cooperation with State education associations and advocacy groups, provide educators (especially those who teach ELLs and students with disabilities), school administrators, and members of child-study teams with additional professional learning on PARCC accessibility features and accommodations. The professional learning should be provided both in both face-to-face and online formats and should include selection criteria, selection processes, and evaluation of usefulness. Since many ELL and special education teachers possess substantial experience in their profession, such professional learning regarding existing testing formats should not be mandatory for all ELL and special education practitioners. The Study Commission recommends that district boards of education consider establishing policies regarding mandatory initial training and refresher courses for ELL and special education practitioners.

Recommendation 32

The Study Commission recommends that the NJDOE continue its efforts to use assistive technologies to make PARCC assessments meaningful for students with disabilities.

Recommendation 33

The Study Commission recommends that the NJDOE continue to pursue aggressively its current application with the ED to exempt newly arrived ELLs from the requirement to

participate in Statewide standardized testing for two years from date of entry to a U.S. school district rather than one year.

Technology Issues Related to PARCC

The Study Commission is very much aware of the technology issues related to the preparation for and administration of the PARCC assessment, including the sufficiency and adequacy of computer technology and the amount of time spent on test preparation (and the corresponding potential loss of instructional time) and administration. In recognition of these issues, the Study Commission offers the following recommendations:

Recommendation 34

The Study Commission recommends that the NJDOE de-brief school district leaders regarding the 2015 PARCC test administration experience (including test preparation time) to ensure technology resources within school districts are adequate. The Study Commission further recommends that the NJDOE, in cooperation with members of the PARCC consortium, continue to explore ways to improve the user friendliness of the PARCC computerized format.

Recommendation 35

The Study Commission acknowledges that many school districts spent considerable time during 2014-2015 preparing students to become acclimated to the computerized format of the PARCC assessment. While the Study Commission is concerned about the potential impact of this preparation on instructional time, it is reasonable to assume the need for lengthy preparation will decrease as students' familiarity and facility with the testing format and technology increases. Consequently, the Study Commission recommends that the NJDOE, in cooperation with members of the PARCC consortium, develop and communicate best practices in testing preparation to ensure students are technologically prepared to take the assessment, but the preparation time does not unduly distract from instructional time and the learning experience. The Study Commission notes with approval the PARCC test administration changes announced in June 2015, i.e., reducing in the number of testing sessions and streamlining the testing time. The Study Commission encourages the PARCC consortium to continue its efforts to streamline the assessment.

Recommendation 36

The Study Commission recommends that the NJDOE provide greater information, where possible, regarding individual and average lengths of testing time. Without compromising the integrity of either the goals and objectives of the Statewide assessment program or the PARCC test, the NJDOE should further consider every opportunity to reduce testing time and the testing administrative burden.

4. Use of Data to Improve Teaching and Learning

Assessments, especially high-quality assessments, contribute to the process of collecting and interpreting information that can be used to inform all education stakeholders about students' progress in attaining the knowledge, skills, attitudes, and behaviors to be learned or acquired in school (Joint Committee on Standards for Educational Evaluation as cited in Illinois State Board of Education, 2014). Assessments, therefore, are an essential part of the teaching and learning enterprise, and requiring students to clearly demonstrate what they know and are able to do is essential to the learning process, as it helps to determine the extent to which the educational goals and objectives are being achieved.

When assessment works best, it also provides answers to important questions about the validity of instruction (“Are we really teaching what we think we’re teaching?”), the validity of learning (“Are students really learning what they’re supposed to be learning?”), and student improvement (“Is there a better way to teach the content, thereby improving learning?”) (“What Works in Education,” 2014).

Assessments may be formative, which help teachers to make instructional planning decisions (including differentiation and timely interventions) and rapid adjustments to instructional strategies and to provide timely and meaningful feedback to students. Assessments may also be used for interim measurements so school districts and schools can: (a) diagnose student levels across grades, schools, and the school district; (b) monitor and track student progress over time; (c) evaluate the effectiveness of instructional and curricular resources, programs, and interventions; and (d) identify targeted professional learning needs. Finally, assessments can be summative for purposes of school improvement, accountability to stakeholder groups, monitoring of statewide academic achievement, and for providing national comparisons (Wright, 2014).

Regarding the use of student assessment data to make informed decisions about teaching and to improve student learning, the Study Commission offers the following recommendations.

Dissemination and Use of PARCC Data to Inform and Improve Instruction

Recommendation 37

The Study Commission recommends that the NJDOE develop a plan for the annual public release of PARCC assessments results (with explanatory remarks to all stakeholders, including parents) that appropriately recognizes the data as a baseline in 2015 (and re-starts the federal accountability timeline) and focuses on improvement in student growth year after year.

Recommendation 38

The Study Commission recommends that school districts engage in a consistent and rigorous review of PARCC and other available student performance data as part of their routine continuous improvement efforts regarding curriculum and instruction.

Recommendation 39

The Study Commission recommends that the NJDOE encourage school districts to use the PARCC data, as they continue to be validated and better understood, as only one of several tools to improve teaching and learning. The Study Commission further recommends that the NJDOE, in cooperation with State education associations and advocacy groups, provide professional learning to educational practitioners, primarily principals and teachers, about how to analyze and use assessment data in program and curriculum planning.

Recommendation 40

Insofar as teachers’ familiarity with and understanding of PARCC data are critical elements for their acceptance and use as a learning tool, the Study Commission recommends that NJDOE continue to communicate a consistent message about the lessons learned as a result of the PARCC implementation in spring 2015. The Study Commission further recommends that the NJDOE continue to encourage school districts to embed within their strategic plans the use of student assessment data as an important tool for school improvement.

Recommendation 41

The Study Commission recommends that the NJDOE develop and communicate to school districts best practices regarding teaching across the curriculum, instructional technology, and addressing curriculum gaps, especially in English language arts and mathematics, that will contribute to students' preparation for science, technology, engineering, and mathematics (STEM) careers.

Using PARCC Data for Educator Evaluation

Recommendation 42

The Study Commission recommends that, as part of its professional learning efforts, the NJDOE consistently demonstrate how the process of student assessment and educator evaluation provides important and valuable feedback to improve teaching and learning. The positive and encouraging results of the educator evaluation system thus far⁶ should prove useful in future professional learning efforts.

Recommendation 43

The Study Commission recommends that the NJDOE communicate in a manner that is highly transparent and public and in terms easily understood by educational professionals and the general public how the educator evaluation system works, how evaluation data within the system are derived (i.e., how student growth is calculated), what the data mean, how summative evaluation ratings are computed, and how the summary data should be interpreted. The Study Commission further recommends that the weight applied by the NJDOE to the student achievement component of educator evaluation summative ratings be continually assessed for accuracy and fairness and adjusted, as appropriate. To implement this recommendation, the messaging vehicles described in Recommendation 18 are essential.

Recommendation 44

The Study Commission recommends the NJDOE encourage school districts to ensure student growth objective (SGO) assessments are part of the overall instructional plan and are neither duplicative nor stand alone in the educator evaluation process. The Study Commission also recommends that the NJDOE reduce the impact of SGO testing on instructional and learning time.

Recommendation 45

The Study Commission recommends that the NJDOE expand the availability and flexibility of waivers regarding educator evaluations to meet the unique needs of school districts and schools.

Recommendation 46

The Study Commission recommends that the NJDOE encourage school districts to use student assessment and educator evaluation data in the continuing professional learning of all teachers, particularly novice and struggling teachers.

⁶ The results of the first year of educator evaluation findings can be found at <http://www.nj.gov/education/AchieveNJ/resources/201314AchieveNJImplementationReport.pdf>

Using PARCC Data as a Graduation Assessment

Recommendation 47

The Study Commission recommends the NJDOE begin a transitional period for the use of PARCC as a high school graduation assessment. Moreover, this transition period should provide sufficient time for students to learn the standards-based material.

The Study Commission recommends the NJDOE continue to allow students through the graduating class of 2020 to demonstrate proficiency on a standardized assessment through PARCC EOC assessments or the identified substitute assessments (e.g., PSAT, SAT, ACT, Accuplacer, etc.). Beginning with the graduating class of 2020, eligible students should be required to take the PARCC EOC assessments in courses in which they are enrolled -- without having to achieve a prescribed score -- before they can access the alternative assessments for high school graduation.

The Study Commission further recommends that the graduating class of 2021 be the first class to be required to satisfactorily pass the appropriate PARCC EOC assessments as a condition for high school graduation.

As the PARCC EOC assessments for ELA 10 and Algebra I appear to align best with the expectations of the knowledge and skills for graduation established in State statute, the Study Commission recommends that the NJDOE establish ELA 10 and Algebra I PARCC EOC assessments as the State assessment requirements for graduation at least for the initial years of implementation, with provisions for reassessing the requirements in future years. Further, the Study Commission recommends the NJDOE begin to pursue the appropriate State regulatory processes to revise the graduation requirements, including minimum levels of proficiency in English language arts and mathematics.

Using PARCC Data as a College and/or Business Placement Tool

Recommendation 48

The Study Commission recommends that the NJDOE encourage IHEs throughout the State to use PARCC assessment scores for identifying course placement and enrollment in dual-credit programs. The Study Commission further recommends that IHEs work with the NJDOE and the PARCC consortium to share data on student progress in college courses to assess the validity of the PARCC assessment and to assist in the development of future tests.

Recommendation 49

The Study Commission recognizes that most New Jersey employers require entry-level job applicants to pass company-required tests in English and mathematics that assess their abilities to understand vocabulary and grammatical rules and to solve basic math problems. The Study Commission further recognizes that many employers could also benefit from knowing applicants' abilities to solve more complex problems that demand higher-level critical thinking skills. Finally, the Study Commission believes the business community would be well served to learn more about how PARCC assessment data can be used to better gauge the capacity of applicants to do the job or for growth within the company. Accordingly, the Study Commission recommends that the NJDOE convene an informational session with stakeholders in New Jersey's business community to review PARCC assessment item content and help them to gain greater insight into how PARCC assessment results can be useful to them, within the context of their respective hiring needs, employment policies, and human resources guidelines.

APPENDIX 1

Executive Order No. 159

WHEREAS, the State of New Jersey (“State”) is committed to improving the quality of education for all New Jersey children; and

WHEREAS, my Administration believes that the educational success of each child depends upon rigorous standards, excellent educators, and high quality student assessments that measure the progress of student learning and the effectiveness of classroom instruction; and

WHEREAS, in June 2010, the New Jersey State Board of Education amended the Core Curriculum Content Standards to include the Common Core State Standards in Mathematics and English Language Arts to provide clear guidelines for teachers and their pupils; and

WHEREAS, since 1990, the federal government has required the assessment of students and, beginning in 2015, the Partnership for Assessment of Readiness for College and Careers (“PARCC”) assessment will replace the current State assessments; and

WHEREAS, in August 2012, with unanimous bipartisan support from the Legislature, I signed into law the Teacher Effectiveness and Accountability for the Children of New Jersey (“TEACHNJ”) Act, which is designed to raise student achievement by improving instruction through constructive feedback, evaluations, and professional support of teachers and school leaders; and

WHEREAS, the U.S. Department of Education, as part of the flexibility available under the Elementary and Secondary Education Act, requires the State to use student growth data as a significant factor in the evaluation of teaching staff; and

WHEREAS, once implemented, the PARCC assessment will measure student learning and its results will be considered as one component, among others, as required in the evaluation of teaching staff under the TEACHNJ Act; and

WHEREAS, in order to determine if the Core Curriculum Content Standards and the PARCC assessment are appropriate to be implemented by school districts through New Jersey, a Study Commission composed of a broad range of education practitioners and experts should be established to review and make recommendations on the quality and effectiveness of all student assessments administered to K-12 students by the State, school districts, and individual schools, including those administered for college admission, college credit, and career pathways; and

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby Order and DIRECT:

1. There is hereby created a Study Commission on the Use of Student Assessments in New Jersey (the “Study Commission”).

2. The Study Commission shall consist of up to nine (9) members appointed by the Governor who shall serve at his pleasure. The Governor shall select a chairperson from among the members of the Study Commission. The Study Commission shall consist of individuals who have practical experience, knowledge, or expertise in the areas of education policy or

administration. All members of the Study Commission shall serve without compensation. The Study Commission shall organize as soon as practicable after the appointment of its members.

3. The Study Commission is charged with presenting recommendations to the Governor regarding the quality and effectiveness of student assessments administered to K-12 students. In particular, the Study Commission shall consider and make recommendations on the volume, frequency, and impact of student assessments occurring throughout New Jersey school districts, and on the Core Curriculum Content Standards, including the Common Core State Standards.

4. The Department of Education shall provide staff support to the Study Commission. The Study Commission shall be authorized to call upon any department, office, division, or agency of this State to supply it with any information, personnel, or other assistance available, as the Study Commission deems necessary to discharge its duties under this Order. Each department, office, division, and agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Study Commission within the limits of its statutory authority and to furnish the Study Commission with such assistance on as timely a basis as is necessary to accomplish the purposes of the Order. The Study Commission may consult with education stakeholders, practitioners, experts, or other knowledgeable individuals in the public or private sector on any aspect of its mission.

5. The Study Commission shall issue an initial report containing its recommendations to the Governor no later than December 31, 2014. The Study Commission shall issue a final report to the Governor by July 31, 2015. The Study Commission shall expire upon the Governor's receipt of a report containing their final recommendations pursuant to this Executive Order.

6. The final report of the Study Commission shall be provided to the Legislature and shall be made available to the public.

7. This Order shall take effect immediately.

GIVEN, under my hand and seal this 14th day of July,
Two Thousand and Fourteen, and of the
Independence of the United States, the Two
Hundred and Thirty-Ninth.

[seal]

/s/ Chris Christie
Governor

Attest:
/s/ Christopher S. Porrino
Chief Counsel to the Governor

APPENDIX 2

Study Commission on the Use of Student Assessments in New Jersey

David C. Hesse, Chair
Commissioner of Education

Dana Egreczky
Senior Vice President, New Jersey Chamber of Commerce

Dr. Lawrence S. Feinsod
Executive Director, New Jersey School Boards Association

Catherine M. Lindenbaum
Parent Association Representative

Dr. Marcia Lyles
Superintendent, Jersey City Public Schools

Nicole Moore
Principal, Shamong Township Schools

Matthew Stagliano
Educator, Camden County Technical Schools

Dr. Raymond A. Yannuzzi
President, Camden County College

Tracie Yostpille
Educator, Freehold Township Schools

Staff to the Study Commission

Kimberley Harrington, NJDOE, Chief Academic Officer

Dr. Bari Erlichson, NJDOE, Chief Performance Officer

Peter Shulman, NJDOE, Chief Talent Officer

Beth Auerswald, NJDOE, State Board Office

Dr. Thomas C. Monahan, Consultant

APPENDIX 3

Brief Description of Presentations to the Study Commission

November 24, 2014 **Bari Erlichson, Ph.D.**
Chief Performance Officer, NJDOE
Topic: New Jersey's Statewide Assessments

During the Study Commission's initial meeting, Dr. Bari Erlichson provided an overview of federal requirements for academic content and student achievement standards in English language arts, mathematics, and science under the *No Child Left Behind Act of 2001* (NCLB). Dr. Erlichson also discussed to whom the federal requirements apply and the grade levels assessed. She further discussed subgroup accountability, assessment of English language proficiency, alternative assessments for students with severe disabilities, and required sample participation in the National Assessment of Educational Progress (NAEP) testing. Finally, she provided an overview of State laws and regulations governing high school graduation and the State assessment system, as well as a brief history of testing in New Jersey (1996-2014).

December 5, 2014 **Patricia Wright**
Executive Director, New Jersey Principals and Supervisors Association
Topic: Designing a Comprehensive Assessment System

Patricia Wright briefed the Study Commission on the process of designing a comprehensive assessment system, which focused on assessment *of* learning, assessment *as* learning, and assessment *for* learning. She discussed the purposes of State assessments, including school improvement, accountability, monitoring Statewide academic achievement, and national comparisons. Ms. Wright also operationally defined formative, interim, and summative assessments and discussed how school improvement is possible only when assessment systems are properly aligned with curriculum and instruction.

December 10, 2014 **Diana J. Zaleski, Ph.D.**
Project Administrator, Illinois State Board of Education
Topic: Balanced Assessment Initiative in Illinois

Alissa Peltzman
Vice President of State Policy and Implementation Support, Achieve, Inc.
Topic: Student Assessment Inventory for School Districts

Dr. Diane Zaleski briefed the Study Commission on the Balanced Assessment Initiative underway in Illinois, which is part of the state's transition to the PARCC system and to an evaluation process that contains a student growth component. She also introduced and briefly discussed the state's involvement with the *Student Assessment Inventory for School Districts*. Dr. Zaleski's presentation was followed by a more in-depth briefing by Alissa Peltzman, who focused on one of Achieve, Inc.'s core products, the *Student Assessment Inventory for School Districts*. The assessment inventory is a field-tested, openly licensed, and free-to-use tool that can be implemented by school district and school officials to take stock of their assessments and assessment strategies.

December 10, 2014 **Christopher Manno, Ed.D.**
Superintendent, Burlington County Special Services School District
and Institute of Technology

Topic: A District Strategic Evaluation Process

Dr. Christopher Manno, former superintendent of the Burlington Township School District, briefed the Study Commission on the *All Students Achieving* strategic evaluation process now in effect in the Burlington Township School District. During his presentation, Dr. Manno walked the Study Commission through the strategic evaluation process, which is grounded in four major questions: “What did we do?”; “Did it work?”; “How do we know?”; and “So, now what?” Dr. Manno reported that the strategic plan’s key components are mission, values, and goals. All initiatives, whether State or local, are situated within the organizational goals. Further, the school district’s objectives, which are designed to implement the goals, are revised each school year, continuously assessed for progress, and routinely reported to the district board of education. Dr. Manno discussed how support for the plan was secured from a cross-section of the community. He also described the methods by which the school district celebrated the plan’s launch and results, as well as how the plan created a change in the school district’s culture and the formula used for promoting the culture change.

January 14, 2015

Kimberley Harrington

Chief Academic Officer, NJDOE

Topic: Introduction to Academic Standards and the Common Core

Kimberley Harrington provided an overview of the history of academic standards in New Jersey and nationally and discussed the differences between standards and curriculum. She further illustrated how the Common Core State Standards encourage preparation, competition, equity, clarity, and collaboration. She also discussed the role of international benchmarking in the development of the Common Core State Standards and the evidence and criteria used. Ms. Harrington also outlined teacher involvement in the development and adoption processes and discussed the shifts the Common Core State Standards will require in mathematics and English language arts. She provided an overview of the standards and practices in both content areas, the differences between the Common Core State Standards and the previous Core Curriculum Content Standards in mathematics and English language arts, and the literacy standards embedded in history/social studies, science, and technical subjects in grades 6 through 12.

January 14, 2015

Dorothy Strickland, Ph.D.

Professor Emerita, Rutgers University and Member, N.J. State Board of Education

Topic: Toward a Comprehensive and Coherent Assessment System
Linking Standards/Instruction/Assessment

Dr. Strickland briefed the Study Commission on an assessment model that links standards, instruction, and assessment to improve teaching and learning. Dr. Strickland discussed the purposes, uses, and concerns regarding a comprehensive and coherent assessment program. Dr. Strickland also made the following recommendation regarding English language arts: establish a shared vision across all areas of the curriculum that includes an on-going, interdisciplinary professional development model linked to classroom instruction and that fosters a shared responsibility for literacy development in science, social studies, and other non-English language arts subjects. Dr. Strickland also recommended use of the *PARCC Model Content Framework* that accompanies the PARCC assessment. Finally, Dr. Strickland recommended a greater emphasis on formative assessment and suggested it is a functional and useful form of “test practice” when standards, instruction, and assessment indicate how formative and summative assessments align with summative ratings as part of educator evaluations.

February 10, 2015 **Laura Slover**
Chief Executive Officer, Parcc, Inc.
Topic: PARCC Overview and Update

Laura Slover briefed the Study Commission on the history of the PARCC assessment's development. She reported that more than 2,000 educators, including at least 90 educators from New Jersey, were involved in the PARCC development process. Ms. Slover said the test was developed by the PARCC consortium and not by the test vendor, Pearson, Inc., and every test item was reviewed by at least 30 different content experts and educators and went through at least six levels of review. She reported 11 states and the District of Columbia were administering the PARCC in 2015 (the performance-based component is administered after approximately 70 percent of the school year and the end-of-year component administered after approximately 90 percent of the school year). She stated the assessment is designed to drive instruction and is reliable and valid for use in a variety of ways within an accountability system. Ms. Slover reported the goal for the 2015-2016 PARCC administration is to provide the student reports before the end of the school year. She further indicated that the roster analysis over time will show individual student growth. Finally, she reported there will be an item analysis, and the PARCC consortium will release approximately 40 percent of the test items from this year's test after the administration and release all (100 percent) of the test items from the 2015 test within three years.

February 10, 2015 **Carolee Adams**
President, Eagle Forum of New Jersey
Topic: Not With My Child You Don't

Carolee Adams spoke to the Study Commission regarding a number of reasons to oppose experimental and expensive education reform embodied within the Common Core State Standards/PARCC, including the following: they are not legal; PARCC is neither valid nor reliable; PARCC is not diagnostic, and there is no evidence that standardized assessments increase student learning; PARCC is not child or teacher friendly and does not encourage the joy of learning; the Common Core State Standards and PARCC do not respect parental rights or local control; they are not protective of student privacy; they are not affordable; they are not relevant or rigorous; they are not trustworthy; and they are not expected to last. She also suggested the State drop out of PARCC and disavow the Common Core State Standards. Ms. Adams further suggested the State should invest in formative assessments; employ grade-span testing; restore the lost tools of learning (grammar, rhetoric, logic); encourage strong, intact families; restore student and familial responsibility for a student's academic performance by eliminating high-stakes testing; adopt the previous Massachusetts academic standards; stand up to tycoons; restore the family; recognize that all students do not need or want to go to college and dedicate high school tracks; push Congress to allow a tax deduction for interest on college debt; lobby to eliminate the U.S. Department of Education; and do not develop a new version of old, failed, federally driven schemes and products.

February 26, 2015 **Steven Swetsky**
Assistant Executive Director, N.J. Education Association (NJEA)
Topic: Attitudes of Parents and the Public Toward High Stakes
Standardized Testing in New Jersey

Steven Swetsky briefed the Study Commission on the results of a December 2014 poll, which was commissioned by the NJEA, Save our Schools, and the Paterson Education Fund to research the attitudes of parents and the public toward high-stakes standardized testing in New Jersey. Mr.

Swetsky stated the poll results indicated that parents and voters who were questioned overwhelmingly reported there was “too much emphasis” on standardized assessments in teaching public school children, and both groups favored reducing standardized assessments in the State’s public schools. He said the survey results also indicated the majority of parents and voters who were questioned had heard “not much” or “nothing” about PARCC.

April 16, 2015

Roberta Schorr, Ed.D.

Associate Professor, Rutgers University-Newark

Topic: The Common Core State Standards Study

Dr. Schorr presented the results of her study on the Common Core State Standards and PARCC that was conducted in two phases between December 2013 and June 2014. In the first phase, which was administered to approximately 1,000 teachers, the data revealed more than 90 percent of teacher respondents reported Common Core State Standards implementation had begun in their school, and approximately 40 percent reported feeling ready to implement the standards. For the second phase, which was administered to a slightly different sample of nearly 1,000 teachers, Dr. Schorr reported teachers generally supported the Common Core State Standards and also had mixed feelings about their readiness to implement the standards and about how well they believed their students would do. The second phase also found the level of respondent training regarding PARCC was low, and many teachers reported they felt the training they received was not helpful. Dr. Schorr also reported the key findings from interviews conducted included the need for much more professional development regarding the Common Core State Standards and PARCC. She further stated the results suggest that professional development needed to be sustained over a long period of time and should include meaningful collaboration with colleagues and experiences.

May 11, 2015

Bonnie Hain, Ph.D.

Director of ELA/Literacy Content and Instructional Supports, Parcc, Inc.

Topic: Instructional Tools and Educational Supports

Dr. Hain briefed the Study Commission on instructional tools and educational supports that Parcc, Inc. developed for educators to utilize throughout the school year. She reported that Parcc, Inc., which is the non-profit entity that supports the PARCC consortium, intended from the beginning to create non-summative tools and supports as part of a systemic approach.

Dr. Hain said the first tool made available to educators was the model frameworks, which informs administrators and teachers on how to put the Common Core State Standards together in a seamless way. She also reported the model frameworks allow school districts to maintain local control of curricula while ensuring they are aligned to the Common Core State Standards. She further added that additional supports currently available to educators include instructional tools (i.e., diagnostic assessments, K-2 formative, and speaking and listening), job-embedded professional development, timely achievement data, and peer-to-peer learning. Dr. Hain said the optional tools are meant to help teachers determine their students’ strengths and needs and to show in-year changes at the student level, but the tools are not designed for reporting or accountability purposes.

Dr. Hain also reported that diagnostic assessments, which are computer-based tests that take just a few minutes to complete, are of the same rigor as the PARCC summative assessments, and the two can be used together to determine each student’s needs. Dr. Hain indicated the results from the PARCC assessment can show if a student has a reading comprehension issue, for example, and then one of the diagnostic components can pinpoint the cause without having to subject the

student to interventions not designed to address a precise issue. As a further example, Dr. Hain described how the comprehension of literary and informational texts component of the English language arts diagnostic assessment can be used to determine if a student struggles with the subject content of a particular text or has an overall English comprehension issue. She also provided samples of draft reports that teachers will be able to access after administering the diagnostic assessments and illustrated how teachers will be able to use the reports to determine the likelihood that students have mastered individual skills.

May 29, 2015

Henry Cram, Ed.D.

President, Middle States Association of Colleges and Schools –
Commission on Elementary and Secondary Schools

Topic: School Improvement through Accreditation

Dr. Cram briefed the Study Commission on the topic of school improvement through accreditation. Dr. Cram reported that the voluntary accreditation process allows a school to self-evaluate how it compares against 12 world-class standards. Dr. Cram also said the process goes well beyond assessment scores and helps a school develop a strategic plan; clarify its mission; measure progress toward specific improvement goals; demonstrate its efficacy or added value; build community support; organize for continuous self-improvement; and receive external validation from peers. Finally, Dr. Cram discussed how the accreditation process examines a school in a holistic way, supplements school performance data, and builds a coalition of parents, teachers, and administrators.

May 29, 2015

Peter Shulman

Chief Talent Officer, NJDOE

Carl Blanchard

Director, Office of Evaluation, NJDOE

Topic: Achieve NJ: Update on Median Student Growth Percentiles and Student Growth Objectives

Peter Shulman and Carl Blanchard updated the Study Commission on New Jersey's median student growth percentiles (mSGPs) and student growth objectives (SGOs), which are part of the State's educator evaluation system – AchieveNJ. Mr. Shulman reported the evaluation system's objective is to achieve student growth and to focus on how to get *every* child to show growth. He added AchieveNJ's focus is not on students achieving absolute proficiency or on their scale scores on assessments. Mr. Shulman cautioned that individuals who wrongly focus on an educator's summative rating miss the entire point of the evaluation system. Mr. Blanchard reported that SGOs are meant to be developed by teachers, supported by administrators, and focused on students. He also reported that SGOs are developed by choosing or developing a quality assessment aligned to the standards, determining students' starting points, setting ambitious yet achievable student learning goals with supervisor input and approval, tracking progress and refining instruction accordingly, and reviewing results and discussing the score with the teacher's supervisor. Mr. Shulman suggested teacher-developed SGOs foster ownership and are helping to lead to better conversations about instruction across the State.

June 9, 2015

Elizabeth Franks, Ed.D.

Executive Board Member, N.J. Teachers of English to Speakers of Other Languages-N.J. Bilingual Educators (NJTESOL-NJBE)

Topic: ELLs and the Impact of CCSS and PARCC

Dr. Franks provided an overview of English language learners (ELLs) and the impact of the Common Core State Standards and PARCC on ELLs. While the Common Core State Standards strive for equality, Dr. Franks stated some ELLs will not have the opportunity to meet the rigorous standards if they are not provided the appropriate supports. She also reported that an appropriate education does not mean the same education for every student; equity is achieved when ELLs receive proper support.

Dr. Franks reported it can take an ELL (who enters at Level 1) four to five years to reach Level 4 of English language proficiency, which usually means the student no longer needs language assistance programs. She indicated that prior schooling in a student's previous country is the biggest predictor of student success; if a student is proficient in his or her native language, he or she usually can master English in a few years. She also indicated PARCC is not discriminatory enough to capture what ELLs at lower proficiency levels really know.

Dr. Franks suggested school districts need additional guidance regarding appropriate supports and how to provide them because not every school district is providing appropriate support to its ELL population. She further suggested a waiver from the U.S. Department of Education to allow newly arrived students a two-year exemption from assessments would be beneficial for ELLs. Finally, she said making the PARCC ELA assessment available in Spanish like the mathematics assessment would allow schools to assess literacy skills and not just English proficiency.

June 9, 2015

Susan Martz

Assistant Commissioner, NJDOE

Karen Campbell, LP.D.

Director, Office of Supplemental Educational Programs/Title I, NJDOE

Topic: The Assessment of English Language Learners

Susan Martz briefed the Study Commission on issues regarding the assessment of ELLs. Ms. Martz reported that ELLs are a diverse student population comprised of students from different ethnic backgrounds with various native languages, socioeconomic status, and length/quality of prior schooling. She also reported that 5 percent of the State's public school population, or more than 70,000 students, were classified as ELLs as of October 2014. Although the overwhelming majority of ELLs in the State speak Spanish (approximately 70 percent), Ms. Martz indicated that Arabic, Chinese, Haitian/Haitian Creole, and Korean are also included in the top five native languages for ELLs in New Jersey.

Ms. Martz further reported the achievement gaps between ELLs and the total student population in both ELA and mathematics, although the ELL population does not include students who previously were classified as ELLs and have successfully completed language assistance programs. She indicated that Title I of the Elementary and Secondary Education Act (ESEA) requires ELLs to be assessed on academic content standards in English language arts and mathematics, which is done through the PARCC assessments. She also indicated that Title III of the ESEA requires assessment of English language proficiency, which is done via ACCESS for ELLs. She said the latter assessment often is used to establish a student's level of English language proficiency and to determine whether a student qualifies for language assistance programs or has gained sufficient English proficiency to no longer warrant the supports. Ms. Martz also reported that New Jersey regulations at N.J.A.C. 6A:15, Bilingual Education, require the use of multiple measures to establish proficiency - besides ACCESS for ELLs or one of the other State-approved language assessments.

Dr. Campbell briefed the Study Commission on the five language standards, the four language domains, and the performance criteria assessed by ACCESS for ELLs, as well as the six levels of English language proficiency. She also discussed the State assessment requirements, which include PARCC, for ELLs taught in the general education curriculum, and the alternative assessment, Dynamic Learning Maps (DLM), for ELLs with significant cognitive disabilities. Dr. Campbell also reported ELLs in grades 3 through 8 are exempt for one year from the PARCC in English language arts if they arrived in a U.S. school after June 30, and she said the PARCC mathematics assessment is available in Spanish. She also discussed the PARCC accommodations for ELLs, as well as the assessment barriers.

June 24, 2015

Susan Martz

Assistant Commissioner, NJDOE

Margaret McDonald

Director, Office of Special Education Programs, NJDOE

Topic: Students with Disabilities

Susan Martz briefed the Study Commission on the State assessment requirements for students with disabilities. She reported students with individualized education programs (IEPs) are expected to learn the general education curriculum. She further reported the Universal Design for Learning, accommodations and modified learning objectives are utilized to assist students with disabilities in achieving that goal. Ms. Martz explained students with disabilities are a very diverse population with a range of needs (functional, organizational and employment skills) and expected outcomes.

Ms. Martz also outlined the Individuals with Disabilities Education Act (IDEA) provisions that require the State to develop guidelines for appropriate accommodations for assessments and to develop and implement an alternative assessment for students who cannot participate in regular assessments even with accommodations. She indicated a student's IEP determines whether he/she takes the regular State assessment or the alternative assessment and also outlines the accommodations that must be provided if the student takes the regular assessment.

Margaret McDonald reported the NJDOE had been part of a PARCC working group regarding accommodations and accessibility for three years prior to the assessment's administration. She also outlined the accessibility features, like frequent breaks, that are available to all students and not just students with IEPs. Ms. McDonald also discussed the accommodations available to students with IEPs or 504 plans that must be determined in advance and included in an IEP or 504 plan, unless emergency circumstances exist. She also reported child study teams met in spring 2014 to develop assessment accommodations for the 2015 State assessment, for each student with an IEP.

Margaret McDonald further reported that the State still has the alternative proficiency assessment (APA) in science but now utilizes the Dynamic Learning Maps (DLM) assessment in English language arts and mathematics for students with the most significant disabilities. She also outlined the DLM participation guidelines and described the differences between PARCC and DLM assessments, as well as the success and challenges of administering the DLM.

June 24, 2015

Barbara Makoski

Superintendent, Cape May County Special Services School District

Topic: Assessing Our Most Special Students

Ms. Makoski briefed the Study Commission on behalf of the N.J. Joint Council of County Special Services School Districts. She reported that the State's eight special services school districts, which provide programs for students with autism, multiple disabilities, preschool disabilities, and moderate-severe cognitive impairments, prepare students to be college ready, if possible, and career ready. She also reported the school districts focus on developing students' social skills, if necessary.

Ms. Makoski also discussed the assessment goals for students in special services school districts and indicated student progress often is measured in small increments (months instead of years). She indicated the special services districts like the DLM because it is based on, and is informing, instruction. She stated the learning maps clarify the pathways for a student to meet the goals of the Common Core State Standards and will help inform instruction. She also indicated that teachers and administrators preferred the DLM over the APA because the former is highly individualized, more diagnostic, and less time consuming among other factors.

Ms. Makoski also reported the special services school districts faced challenges in administering PARCC and DLM for the first time. Among the challenges were preparing teachers to administer multiple formats (PARCC, NJASK, APA, and DLM), which took teachers out of the classroom, as well as the time it took to administer the assessments. She also indicated students faced challenges with the new assessments. For example, she said autistic students rely heavily on prompting, yet they were not permitted to be prompted with the DLM, and students who function at a preschool level were tested even though New Jersey does not require State assessments for preschool students.

Ms. Makoski also recommended limiting the impact of the assessments on instructional time and focusing accountability on student growth. She also stated that the Joint Council would like to see training targeted at new teachers and new test elements without forcing teachers to retrain on elements they have been utilizing for years. She also stated requiring all teachers to receive the same training for assessments leaves minimal time for professional development and for teachers to be creative, and it allows for less time for teachers to talk to IEP teams and case managers about individual student needs.

July 22, 2015

Peter Shulman

Chief Talent Officer, NJDOE

Topic: 2013-2014 AchieveNJ Implementation: Key Findings

Peter Shulman re-visited the Study Commission to present about the State's educator evaluation process pursuant to the TEACHNJ Act. Mr. Shulman reported the assessment data are meant to inform future discussion rather than draw conclusions regarding educators during the first year of the new evaluation system. He also reported the law's implementation represents a significant step forward as educators no longer are subject to a binary system that fails to provide meaningful feedback and to promote growth for all.

Mr. Shulman presented data that show that 97.3 percent of teachers were rated as "effective" or "highly effective" in 2013-2014 and 97.4 percent of school leaders received the same ratings. He reported approximately 2,900 teachers (2.7 percent) were identified in 2013-2014 as struggling, which means they were rated as "ineffective" or "partially effective." He indicated the 2,900 teachers educate approximately 180,000 students, or 13 percent of all students in the State, and the evaluation system will allow the struggling teachers to be better supported to improve their impact on student learning.

Mr. Shulman also reported more than 75 percent of teachers scored a 3.5 or better (on 4.0 scale) on their SGOs, which are focused on student growth, driven by teachers, and supported by administrators. He also reported that results show no disadvantage for English language arts and mathematics teachers in grades 4 through 8 who receive SGP scores based on the State assessment system, as the vast majority of teachers who received median SGPs were rated as “effective” or “highly effective.”

Mr. Shulman also presented data on teacher evaluation ratings based on student and school subgroups and discussed the next steps the NJDOE will take to continuously improve the evaluation process.

Mr. Shulman pointed out that a careful review of the educator evaluation process and data for 2015 demonstrates (a) SGOs are being woven into curriculum, unit design, and lesson planning in a more seamless way; (b) the time and resources needed for the design, review, and scoring of SGOs are being reduced and the work of designing, reviewing, and scoring SGOs is being done more efficiently and with greater degrees of collaboration and innovation among educators; and (c) Year 1 data around mSGP scores, at scale, demonstrate teachers across New Jersey are not being disproportionately advantaged or disadvantaged by teaching a “tested” subject area.

Mr. Shulman further reported, the NJDOE reduced for all educators the weight of the SGP component to 10 percent in 2014-2015 in response to significant educator feedback and acknowledging the transition from NJASK to PARCC. He further reported it would remain at 10 percent through 2015-2016 to allow the State and school districts to make more meaningful judgments about trends in the data over time.

July 22, 2015

Michael Heinz

Science Coordinator, Division of Teaching and Learning, NJDOE

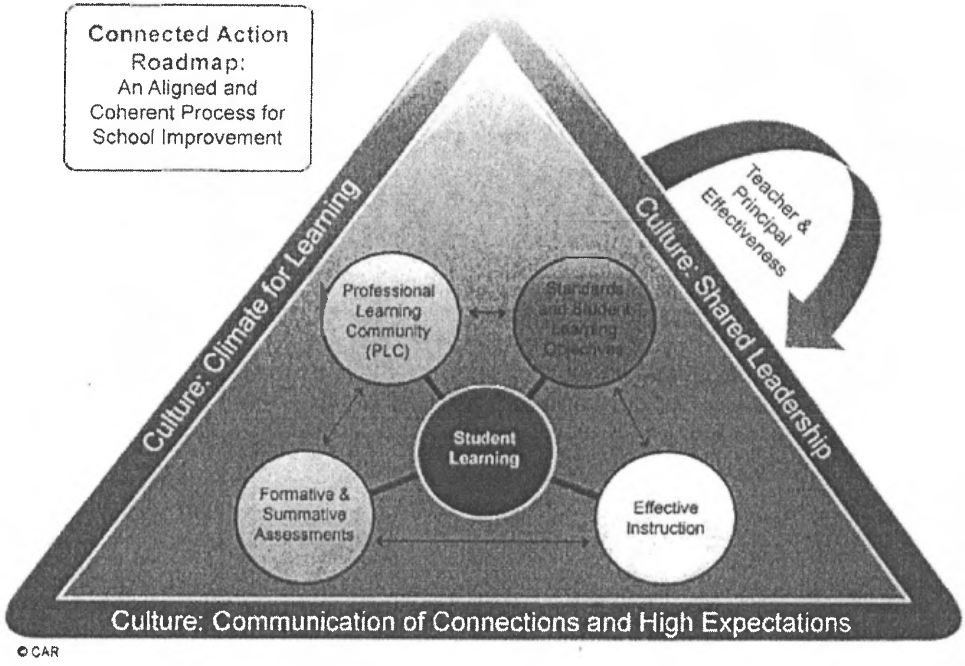
Topic: Next Generation Science Standards

Mr. Heinz briefed the Study Commission on the history of science standards in New Jersey, plus the State’s adoption and implementation of the Next Generation Science Standards (NGSS). He reported New Jersey is among 15 states that either have adopted or are about to adopt the NGSS. He also reported the NGSS, which New Jersey adopted last year, represent the second phase in the evolution of the State’s science standards and focus more on students explaining how and why things happen than on mere memorization.

Mr. Heinz reported school districts will be required to have their science curricula in grades 6 through 12 aligned to the NGSS by the 2016-2017 school year, and the NJASK 8 in science and N.J. Biology Competency Test will be aligned to the NGSS for the spring 2017 administration. He also reported the science curricula for kindergarten through grade 5 will need to be aligned by the 2017-2018 school year and NJASK 4 in science will be aligned in spring 2018. He also indicated all State assessments aligned to the NGSS will continue to be developed by New Jersey and will not be connected to PARCC.

Mr. Heinz provided examples of how the NGSS expect more of students and educators and about how science education will change with the NGSS. He also discussed how the clarification statements and assessment boundaries provided in the standards help guide teachers regarding what they should focus on and prioritize. He also said understanding the standard frameworks is key for teachers to grasp the NGSS.

APPENDIX 4



APPENDIX 4 (cont'd)

A COMPREHENSIVE ASSESSMENT SYSTEM

	FORMATIVE ASSESSMENT <i>Assessment as and for learning</i>	END OF UNIT ASSESSMENT <i>Assessment of and for learning</i>	INTERIM (DISTRICT-TWIDE) <i>Assessment of learning</i>	STATE ASSESSMENT <i>Assessment of learning</i>
PURPOSE	Occurs on a daily basis within and between lessons to: (1) adjust instruction instantly; (2) drive instructional planning decisions including differentiation and timely interventions (remediation and enrichment); (3) provide meaningful feedback to students.	Occurs at the end of an instructional unit to: (1) monitor student progress; (2) to evaluate and revise the curriculum unit as needed (including strategies, interventions, resources, and assessments); (3) identify targeted professional learning needs.	Occurs periodically as determined by the district/school to: (1) diagnose student levels across grades, schools, district; (2) monitor/track student progress over time via multiple data points throughout the year; (3) evaluate effectiveness of instructional and curricular resources, programs, and interventions; (4) identify targeted professional learning needs.	Occurs annually for purposes of: (1) school improvement; (2) accountability to stakeholder groups; (3) monitoring of statewide academic achievement; (4) providing national comparisons
AUDIENCE	Students Teachers PLCs	Students Teachers PLCs Parents	Students Teachers PLCs Parents Schools Districts	State Federal District School Teachers PLCs Students Parents
DATA DRIVEN CONVERSATIONS	<p>Is the assessment aligned to the standards and student learning objectives?</p> <p>Does the assessment effectively measure student achievement of the student learning objectives?</p> <p>How should instruction be differentiated?</p> <p>What interventions are needed for students scoring below proficient?</p> <p>What interventions are needed for students scoring at the advanced level?</p> <p>What additional professional resources are needed to meet the learning needs of all students?</p>	<p>Is the assessment aligned to the standards and student learning objectives?</p> <p>Does the assessment effectively measure student achievement of the student learning objectives?</p> <p>What interventions were used throughout the unit? Based on the assessment data, to what extent were these interventions effective?</p> <p>Have students mastered the prerequisite skills needed for future units?</p> <p>How will we continue to provide proper interventions to address areas of concern?</p> <p>What other teachers need this information?</p> <p>What does the data tell us about our instruction? What strategies, activities, resources and assessments should remain in our unit? What needs to change?</p> <p>What additional professional resources are needed to meet the learning needs of all students?</p>	<p>Is the assessment aligned to the standards and student learning objectives?</p> <p>Across the grade, school, and/or district, what progress have the students made? What are their strengths and weaknesses?</p> <p>Do the results align with what we have seen in our other assessments?</p> <p>Based on the data, what strengths and gaps exist in curriculum and instruction?</p> <p>How can this data inform conversations across the grade levels?</p> <p>What additional professional resources are needed to meet the learning needs of all students?</p>	<p>How are our students progressing?</p> <p>How do our students compare?</p> <p>What trends or patterns can be discerned from the data?</p> <p>Across the grade, school, and/or district, what progress have the students made? What are their strengths and weaknesses?</p> <p>Do the results align with what we have seen in our district assessments?</p> <p>Based on the data, what strengths and gaps exist in curriculum and instruction?</p> <p>How can this data inform the conversations of our PLCs?</p> <p>What additional professional resources are needed to meet the learning needs of all students?</p>

APPENDIX 5

Resources Used by the Study Commission

- Achieve, Inc. (2014). *Student assessment inventory for school districts*. Washington, DC: Author.
- Darling-Hammond, L., Herman, J., Pellegrino, J., et al. (2013). *Criteria for high-quality assessment*. Stanford, CA: Stanford Center for Opportunity Policy in Education.
- Erlichson, B. (2014). *NCLB: Requirements and standards, NJ statutory and regulatory requirements for student testing and assessment. Brief history of student assessments in New Jersey (1996-2014)*. Power Point presentation to the Study Commission on the Use of Student Assessments in New Jersey, November 24, 2014.
- Executive Order No. 159. (2014, July 14). State of New Jersey, Chris Christie, Governor.
- Illinois State Board of Education. (2014, November). *Student assessment inventory for school districts*. Springfield, IL: Author.
- Lazarin, M. (2014, October). *Testing overload in America's schools*. Washington, DC: Center for American Progress.
- Manno, C. (2014). *A district strategic evaluation process*. Power Point presentation to the Study Commission on the Use of Student Assessments in New Jersey, December 10, 2014.
- New Jersey Secretary of Higher Education. (2015). www.state.nj.us/highereducation/
- New Jersey Department of Education. (2014, December). *Interim report: Study Commission on the Use of Student Assessments in New Jersey*.
- Peltzman, A. (2014). *Student assessment inventory for school districts*. Power Point presentation to the Study Commission on the Use of Student Assessments in New Jersey, December 10, 2014.
- "What Works in Education." (2014). *Why is assessment important?* Lucas Educational Foundation. Retrieved from <http://www.edutopia.org/assessment-guide-importance>, December 17, 2014.
- Sashkin, M. (1989). Visionary leadership. In Wren, J.T., (Ed.). *The leader's companion* (p. 403). New York: The Free Press.
- Wright, P. (2014). *Designing a comprehensive assessment system: Assessment of, as, and for learning*. Power Point presentation to the Study Commission on the Use of Student Assessments in New Jersey, December 5, 2014.
- Zaleski, D. (2014). *Balanced assessment initiative*. Power Point presentation to the Study Commission on the Use of Student Assessments in New Jersey, December 10, 2014.



New Jersey
DEPARTMENT OF EDUCATION

Amendments to
N.J.A.C. 6A:8
Standards and Assessments

Monday, January 11, 2016



Purpose of the Chapter and Proposed Amendments

Purpose of the rules:

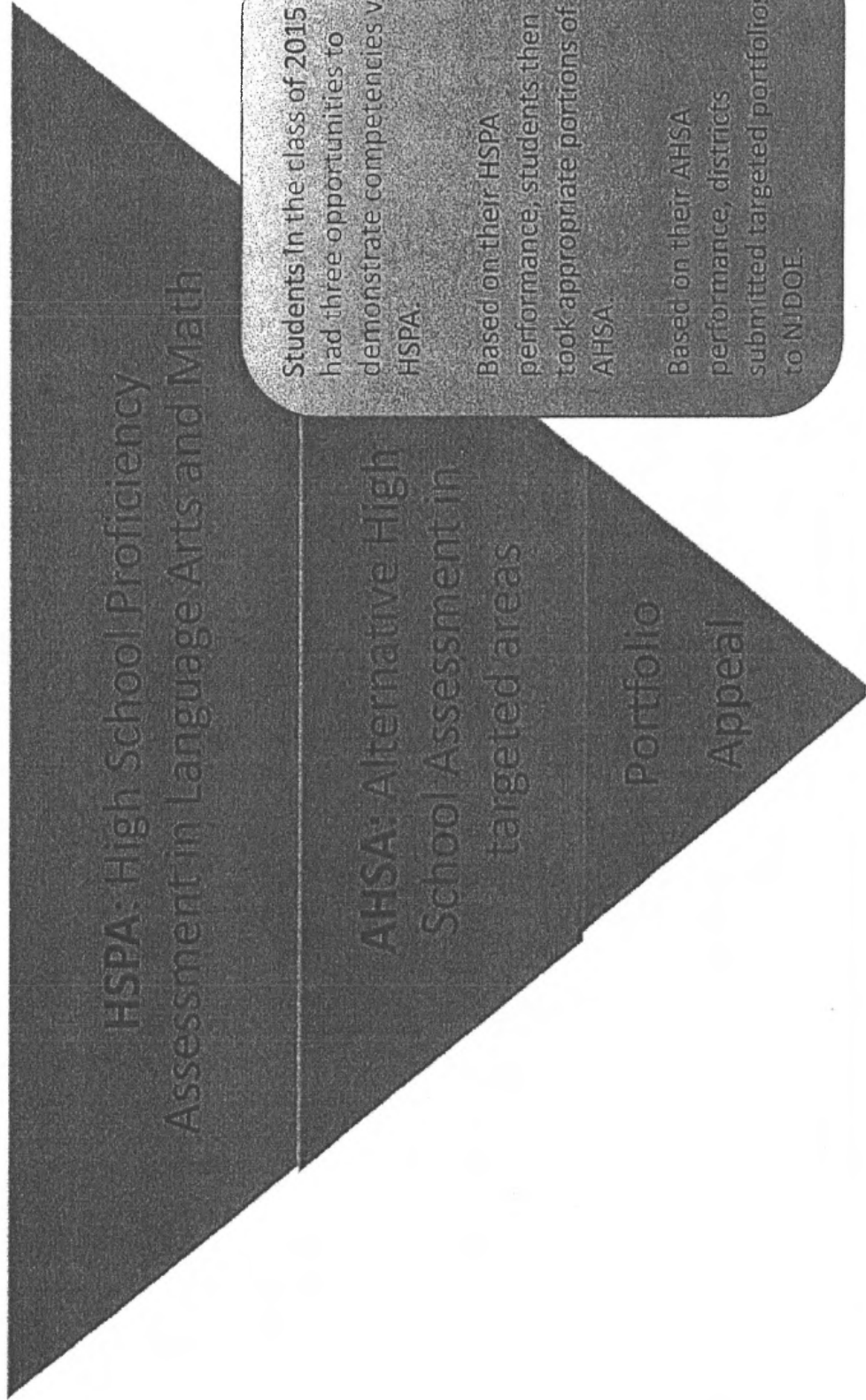
- The chapter implements the State standards and the Statewide assessment system to measure student achievement of the CCCS.

Purposes of the proposed amendments:

- Revisions are needed to update the terms of the statewide assessment system to incorporate the Partnership for Assessment of Readiness for College and Careers (PARCC) assessments.
- Establish a three-phase transition for PARCC as a graduation requirement, replacing the comprehensive High School Proficiency Assessment (HSPA) to end-of-course assessments in English language arts (ELA) 10 and Algebra I as the Statewide assessment graduation requirement.



Prior High School Assessment System: Class of 2015 and Before



Students in the class of 2015 had three opportunities to demonstrate competencies via HSPA.

Based on their HSPA performance, students then took appropriate portions of AHSA.

Based on their AHSA performance, districts submitted targeted portfolios to NJDOE.



New Jersey High School Redesign Steering Committee (April 2008)

❖ Steering Committee was established in 2006 to develop recommendations for improving New Jersey's public high schools to ensure all students are ready to graduate for high school prepared for higher education and the workforce.

❖ **Recommendation:** Align standards and graduation requirements to college and workforce entry requirements.

❖ **Recommendation:** Implement an efficient and effective assessment system to measure student achievement gaps, provides data to address student learning and performance gaps, and align to expectations of higher education and the workforce.

- ❖ Replace the HSPA with a series of end of course assessments that are aligned with the expectations of higher education and the workplace.
- ❖ PARCC EOC assessments in ELA 9, 10, 11 and Algebra I, Algebra II and Geometry accomplish this goal.



Study Commission on the Use of Student Assessments (January 2016)

- ❖ Established by Executive Order 159, the Study Commission was established to review and make recommendations regarding the quality and effectiveness of student assessments administered in NJ.
- ❖ ***Recommendation 23 and 26: Continued use of PARCC***
 - ❖ The Study Commission recognizes that Statewide standardized assessments are an important part of a comprehensive school improvement initiative and are necessary to provide equity in education and accountability for results. Based on information available at this time, the Study Commission recommends that the State of New Jersey continue its membership and participation in the PARCC consortium and annually administer the PARCC instrument as its Statewide assessment.
- ❖ ***Recommendation 25: Waiver for ELA 11***
 - ❖ The Study Commission recommends that the NJDOE provide opportunities for waiver requests for the PARCC English language arts 11 (ELA 11) test for students who participate in an assessment that provides information for college placement nationwide (e.g., International Baccalaureate, Advanced Placement)



Study Commission on the Use of Student Assessments (January 2016) (cont.)

❖ *Recommendation 47: Use of PARCC as Graduation Assessment*

- ❖ Three-phase transitional period for use of PARCC as a graduation assessment:
 - 2016, 2017, 2018, 2019: PARCC EOC or identified alternatives
 - 2020: students must take PARCC EOC assessments for which they are enrolled before accessing alternatives
 - 2021: the first class to be required to satisfactorily pass the appropriate PARCC EOC assessments as a condition for high school graduation.
- ❖ PARCC EOC Assessments in ELA 10 and Algebra I as State assessment requirements for graduation:
 - These courses appear to align best with the expectations of the knowledge and skills for graduation established in State statute.
 - Aligned to higher education and workforce entry requirements.



Phase I Graduation Requirements:

Classes of 2016, 2017, 2018, and 2019 (current 9th - 12th graders)

PARCC

- PARCC EOC Algebra I and ELA 10

Substitute Assessments

- Any of the following: SAT, ACT/ACT PLAN, Accuplacer, ASVAB-AFQT, PSAT, ACT Aspire
- Another EOC PARCC assessment (ELA 9, ELA 11, Geometry, or Algebra II)

Portfolio Appeal

- Submitted by the district on behalf of the student.

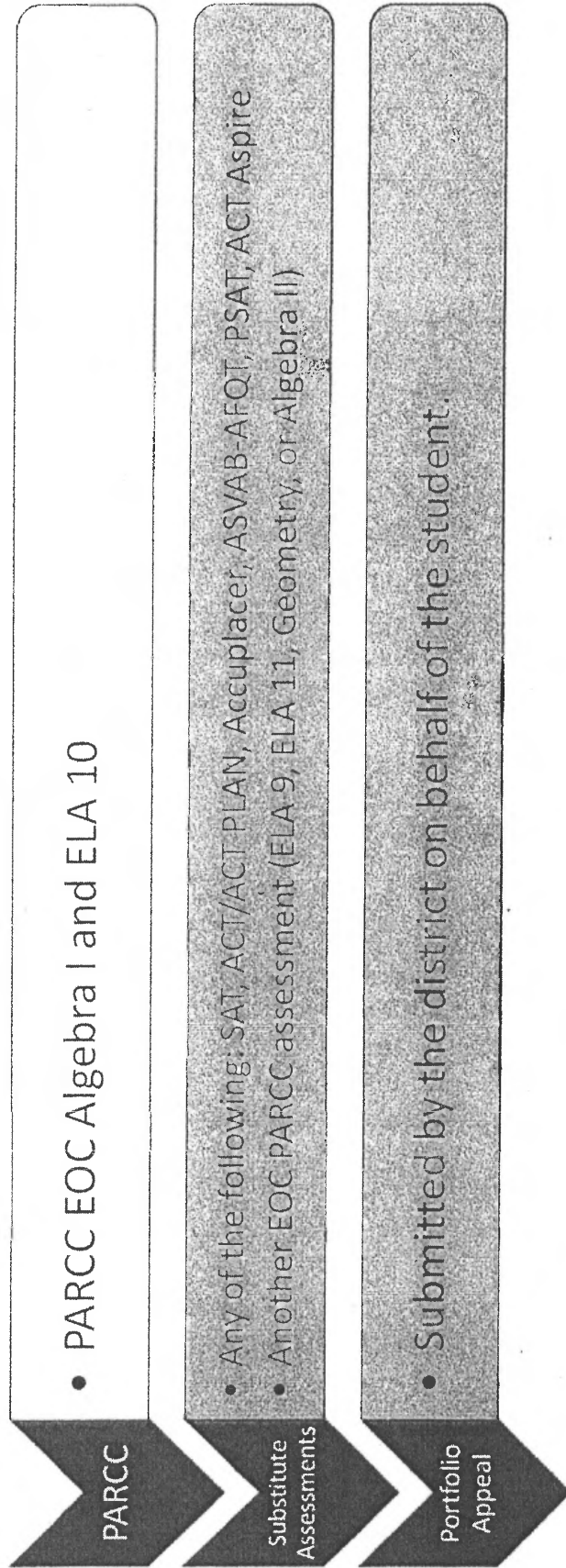
Students in these classes have limited opportunities to participate in PARCC assessments and some may have already taken subjects tested by PARCC.

As such, to meet graduation requirements, students are able to meet various scores on PARCC assessments, substitute assessments or via the portfolio appeal process.



Phase II Graduation Requirements: Class of 2020 (current 8th graders)

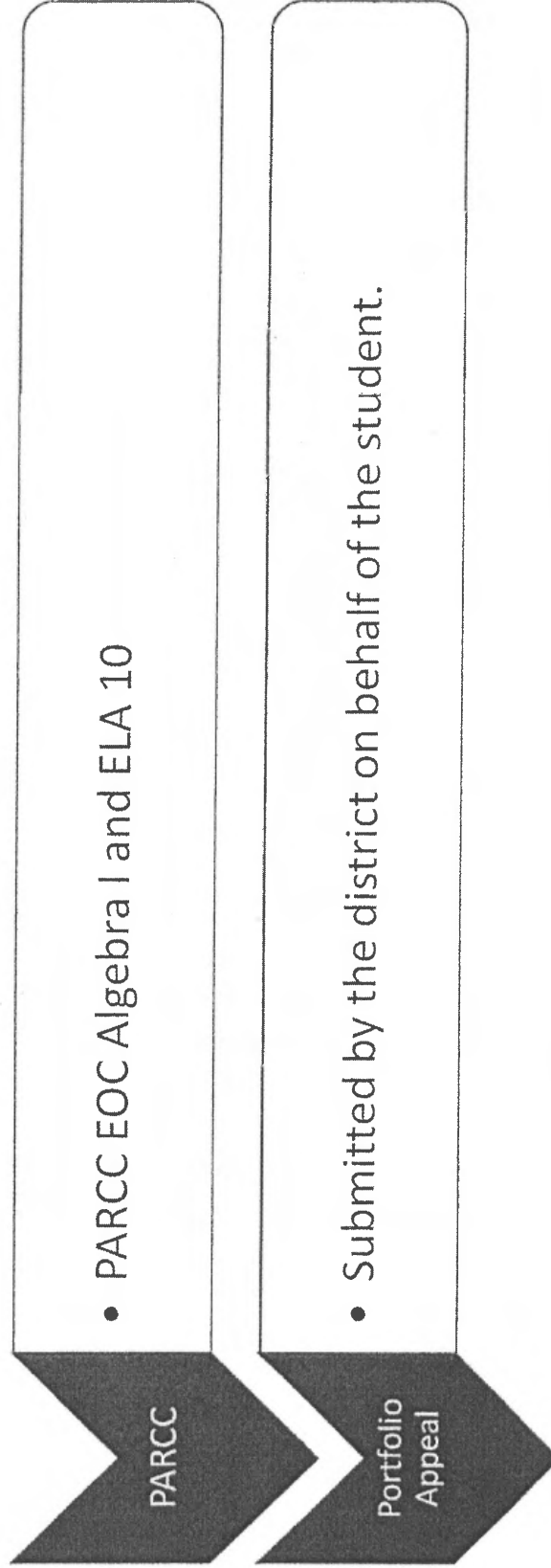
- ❖ Students in the class of 2020 are required to take PARCC assessments if they are in classes covered by PARCC content before they are eligible to utilize either the substitute assessments or the portfolio appeal. This requirement will become effective for the 2016-2017 school year.





Phase III Graduation Requirements: Class of 2021 (current 7th graders) and Moving Forward

❖ Students in the Class of 2021 and thereafter will be required to demonstrate mastery on PARCC ELA10 and Algebra I assessments. Multiple re-take opportunities will be present prior to the portfolio appeal process.





Continuation of Portfolio Appeals Process

- ❖ The portfolio appeals process has been used by the Department as an alternative means to demonstrate graduation proficiency since 2010.
- ❖ To ensure students who do not do well on standardized tests have an opportunity to demonstrate graduation proficiency through an alternative means, we propose continuing the portfolio appeals process through both the transition period, as well as after PARRCC becomes a graduation requirement.
- ❖ Beginning this month, portfolio submissions will occur on rolling basis through May 13, 2016. This extended timeframe will ease the transition to the new graduation requirements and the anticipated number of appeals.



Overview of Proposed Amendments

Code Provision	Substantive Amendment
6A:8-1.3, Definitions	Updated terms to reflect new assessment system.
6A:8-4.1, Statewide Assessment	Replace former assessments with new assessment system.
6A:8-4.1(c)3i, Statewide Assessment	Creates 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.
6A:8-5.1(a)6, Graduation Requirements	Replaces HSPA with PARCC EOC assessment in ELA 10 and Algebra I as the graduation proficiency tests.
6A:8-5.1(f), Graduation Requirements	Sets forth the alternative ways to demonstrate graduation proficiency during the transition period (Phases I and II).
6A:8-5.1(g), Graduation Requirements	Sets forth the alternate way to demonstrate graduation proficiency for class of 2021 and thereafter (Phase III).



Definitions:

Amended to Reflect Change to New Assessment System

Definition Deleted...	Replaced With...
Advanced Proficient/Partially Proficient	Proficiency (under PARCC – not yet meeting, partially met, approaching, meeting, exceeding)
AHSA (Alternative High School Assessment)	Substitute Competency Test and Portfolio Appeals Process
APA (Alternative Proficiency Assessment)	alternative assessment for students with disabilities (currently the DLM)
HSPA (High School Proficiency Assessment)	PARCC end of course assessments in ELA 10 and Algebra I



New Jersey
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QUESTIONS?