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Attorneys for Defendants

RAYMOND ARTHUR ABBOTT, et al.,

Plaintiffs,

v.

FRED G. BURKE, et al.,

Defendants.

SUPREME COURT OF NEW JERSEY

Docket No.

Civil Action

CERTIFICATION OF JEFFREY HAUGER

I, Jeffrey Hauger, of full age, hereby certify that:

1. I am the Director of the Office of Assessments within the New Jersey Department of Education. I have served in this position since September 2010.

2. The Office of Assessments is responsible for the development and administration of the statewide assessments; the development of test procedures and policies; and the development and release of score reports and assessment data reports.

3. As the Director of the Office of Assessments, I am

responsible for ensuring the state assessments are reliable and valid measures of student performance.

4. The tests in use to assess student performance in New Jersey public schools have changed over the years since 1996. Nonetheless, the same tests were used across all districts in each school year, thereby allowing for meaningful comparison between SDA District and non-SDA Districts. Following is a brief summary of the tests in use since 1996. In May 1996, the New Jersey State Board of Education adopted the Core Curriculum Content Standards (CCCS), which enumerated what all New Jersey students should know and be able to do by the end of the fourth and eighth grades, and upon completion of a New Jersey public school education. The CCCS, which are revised every five years, also define New Jersey's high school graduation requirements and are the basis for assessing the academic achievement of students at grades 3 through 12. The CCCS informed the development of three subsequent statewide assessments: the Elementary School Proficiency Assessment (ESPA), which was administered from 1997-2002; the Grade Eight Proficiency Assessment (GEPA), which replaced the Grade 8 Early Warning Test (EWT) in 1998 and was administered through the 2007-2008 school year; and the High School Proficiency Assessment (HSPA), which replaced the High School Proficiency Test (HSPT11) as the state's graduation test for all students who entered the eleventh grade in the fall of

2001.

5. With the enactment of the No Child Left Behind Act of 2001 (NCLB), federal legislation required that each state administer annual standards-based assessments to students in grades 3 through 8, and at least once in High School. In response to NCLB requirements and New Jersey's own expectations that students would be reading at grade level by the end of third grade, New Jersey revised its elementary assessment to include a third-grade assessment program. The New Jersey Assessment of Skills and Knowledge (NJ ASK) was field-tested in May 2003, becoming fully operational the following year. With the implementation of NJ ASK 3 in 2003, the ESPA became the NJ ASK 4. NJ ASK was further expanded in 2006 to include grades 5 through 7. New Jersey's assessment system then included NJ ASK 3-8, HSPA, and the Alternate Proficiency Assessment (APA) for students with severe cognitive disabilities, and end-of-course high school competency assessments in biology and algebra.

6. In June 2010, the New Jersey State Board of Education adopted the Common Core State Standards (CCSS) in mathematics and English language arts/literacy.

7. In April 2011, New Jersey joined the Partnership for Assessment of Readiness for College and Careers (PARCC), which is a consortium of states that collaboratively developed a common set of assessments to measure student achievement of the

CCSS and preparedness for college and careers. In 2014-2015, the PARCC electronic assessments replaced the existing statewide assessments -- the NJASK in grades 3-8 and HSPA in high school. New Jersey had been transitioning the NJ ASK to measure the CCSS over three years to provide local districts and schools the time necessary to shift practices and prepare students and educators for PARCC, which fully measured the CCSS in 2014-2015.

8. The documents attached hereto as Exhibits A and B are graphs showing student proficiency for the 2001-2002 through the 2014-2015 school years. These graphs were created by employees within the New Jersey Department of Education, Office of Performance Management, using data that is publicly available from the NJDOE School Performance Report website, located here: <https://homerom5.doe.state.nj.us/pr/>. Proficiency rates were defined as the sum of the Total Proficient (TP in the data file) and the Total Advanced Proficient (TAP). The statewide results are reported directly from this data. For each of the other categories, the proficiency rate was calculated as the weighted average of the relevant Local Education Agencies (LEA). For example, for the average of the 31 LEAs, each LEA's proficiency rate was determined. Using the proficiency rates of each LEA and the number of total test takers (TTEST), a weighted average for all the relevant LEAs was calculated.

9. Student proficiency is determined by the percentage of

students who scored proficient or advanced proficient on the applicable assessment.

a. Exhibit A is a line graph that shows the percent of students rated proficient on standardized test scores in the 31 SDA Districts for math and English/language arts ("ELA") compared with the non-SDA District schools, charter schools from SDA Districts, and the Statewide average, for the third, eighth, and high school grade levels.

b. Exhibit B is a bar graph that shows the disparity between the math and ELA proficiency rates of SDA Districts and non-SDA Districts for third grade, eighth grade, and high school.

c. If no data is shown for a specific assessment for a specific school year, this means the assessment was not operational that year (i.e., 2001-2002 NJ ASK 3-8) or no state-wide data associated with the assessment was released that year (i.e., 2007-2008 NJ ASK grades 3 and 4).

I hereby certify that the statements made by me are true.
I am aware that if any of the foregoing statements are willfully
false, I am subject to punishment.



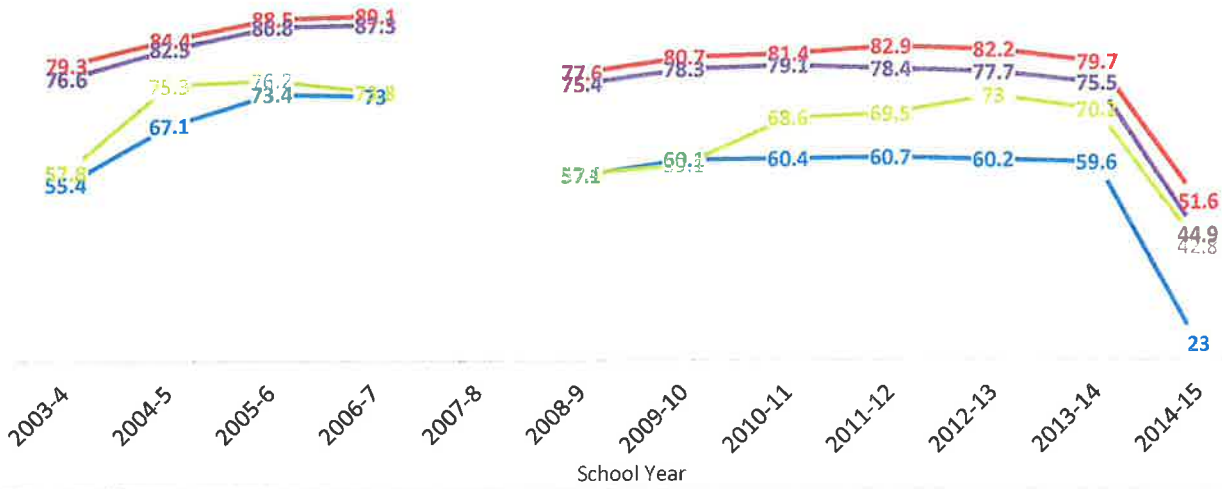
Jeffrey Hauger

Dated: August 22, 2016

HAUGER – EXHIBIT A

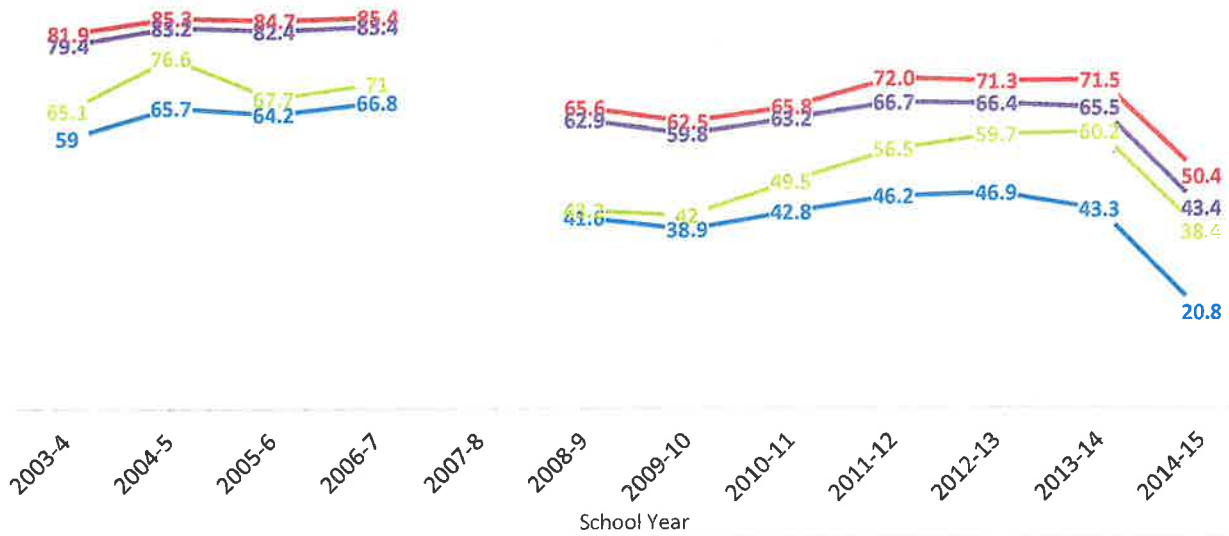
Third Grade Math Percent Proficient

— SDA Districts — Non-SDA Districts — Charters in SDA Districts — Statewide



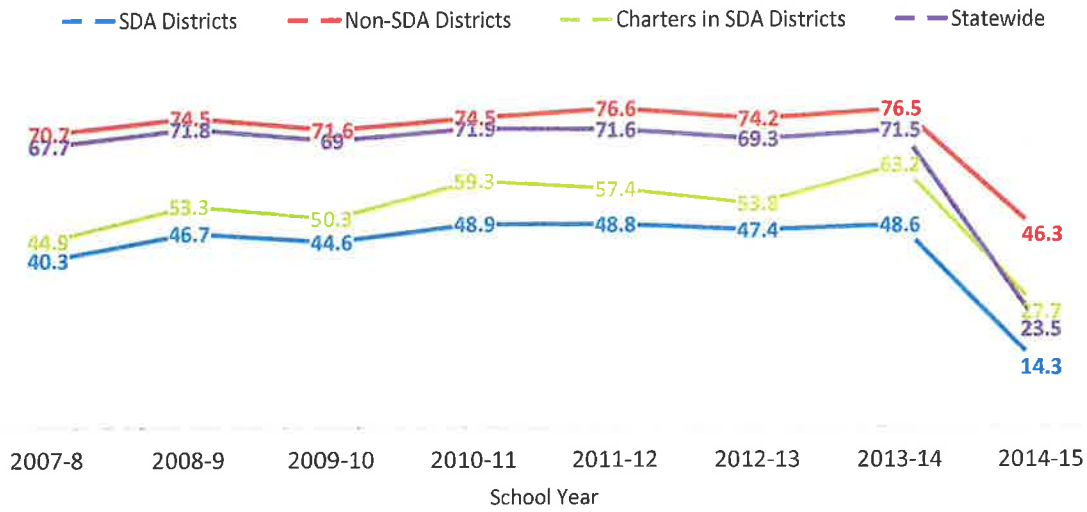
Third Grade ELA Percent Proficient

— SDA Districts — Non-SDA Districts — Charters in SDA Districts — Statewide

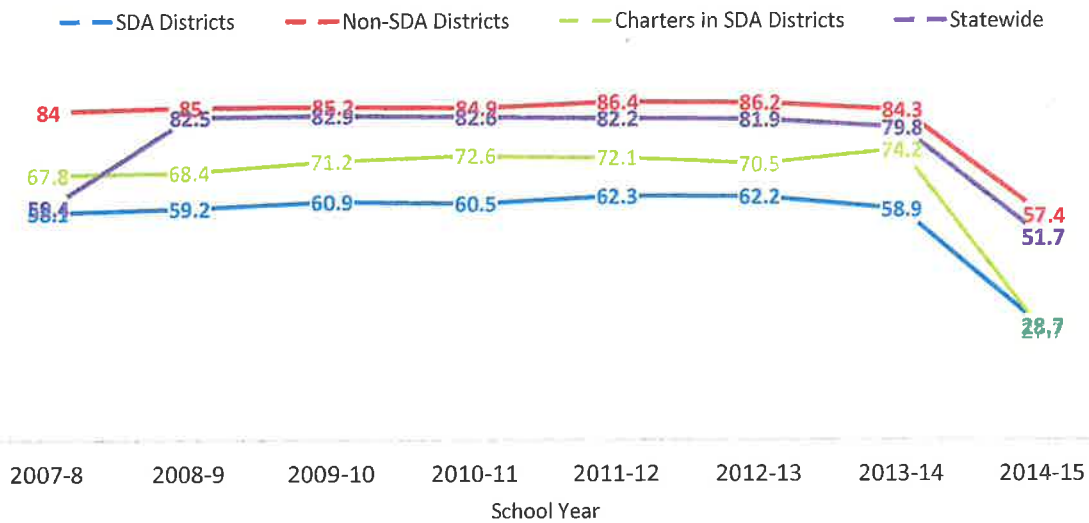


Third grade data from 2008 is less reliable than other years due to a change in vendors and is therefore suppressed

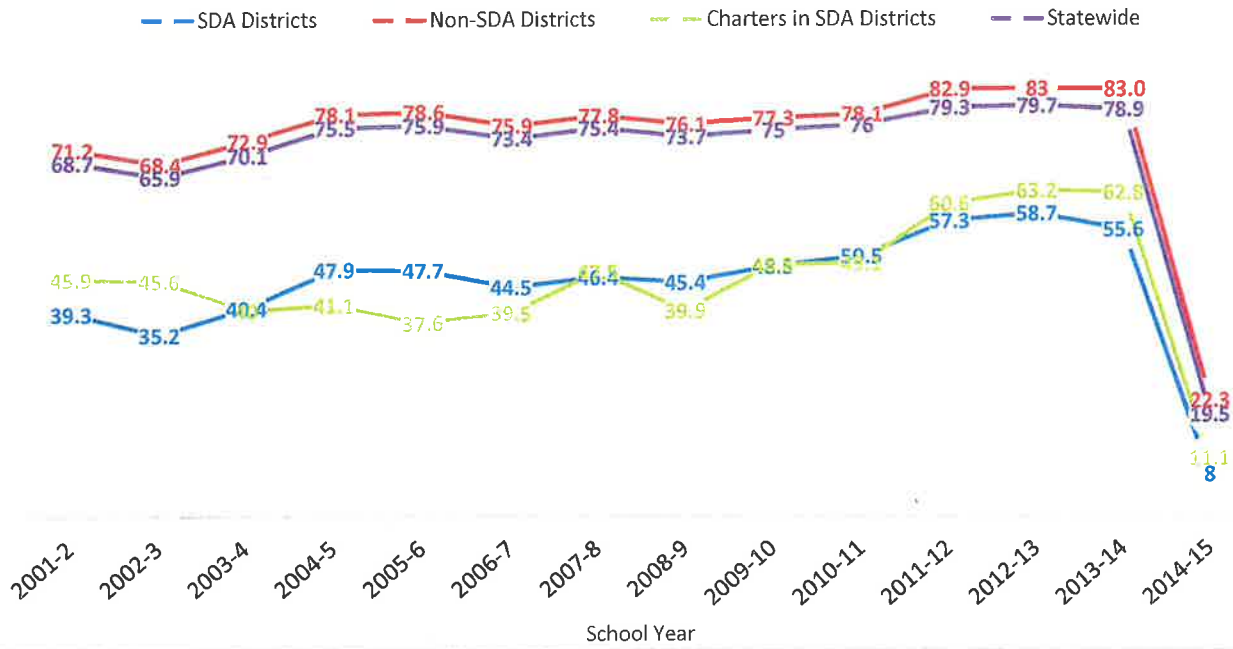
Eighth Grade Math Percent Proficient



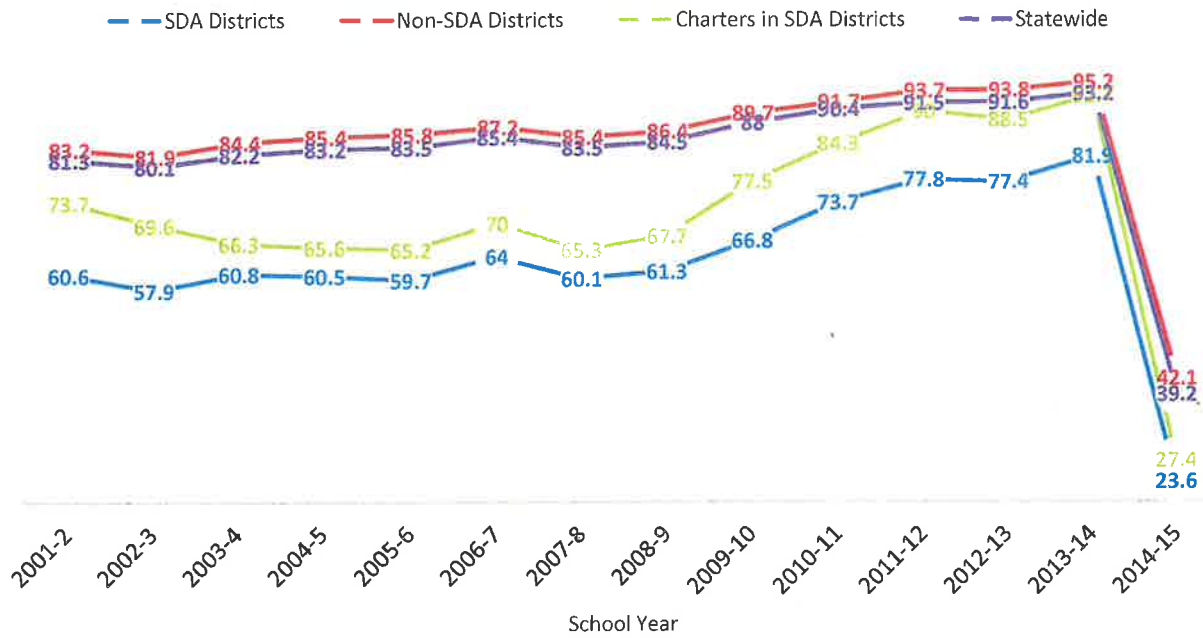
Eighth Grade ELA Percent Proficient



High School Math Percent Proficient



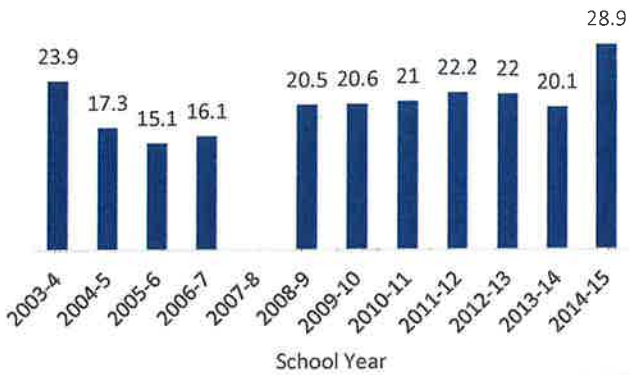
High School ELA Percent Proficient



HAUGER – EXHIBIT B

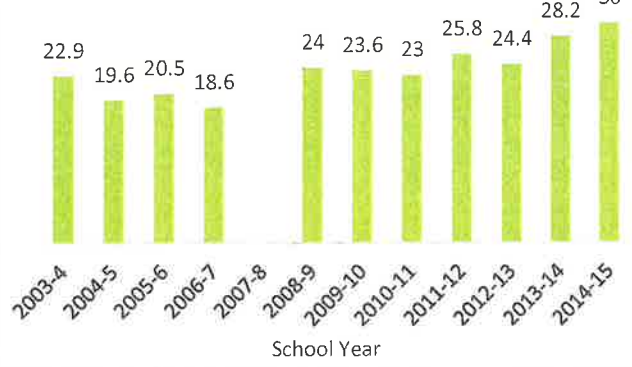
Difference between Percent Proficient in Non-SDA Districts and SDA Districts

■ Third Grade Math



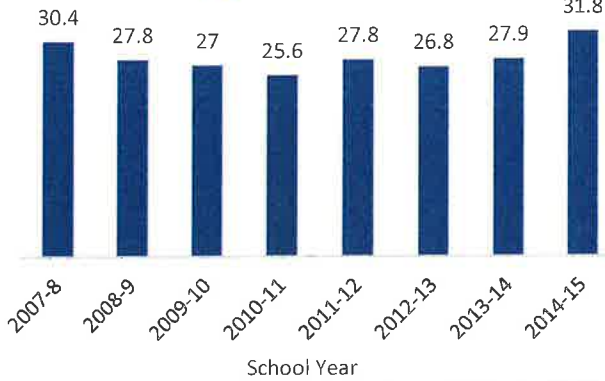
Difference between Percent Proficient in Non-SDA Districts and SDA Districts

■ Third Grade ELA



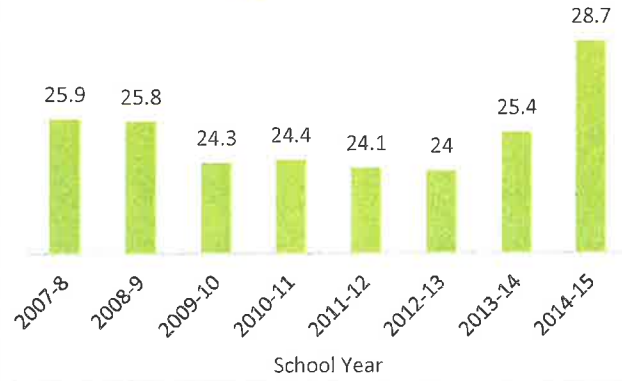
Difference between Percent Proficient in Non-SDA Districts and SDA Districts

■ Eighth Grade Math



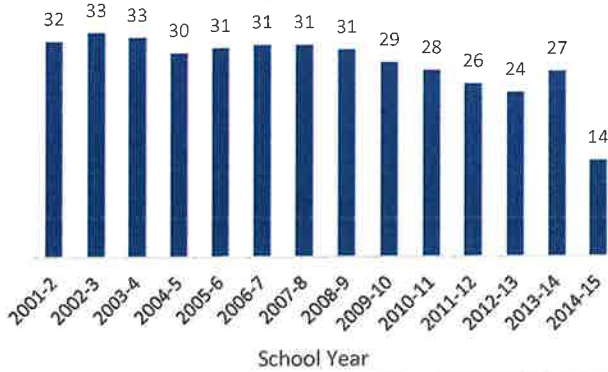
Difference between Percent Proficient in Non-SDA Districts and SDA Districts

■ Eighth Grade ELA



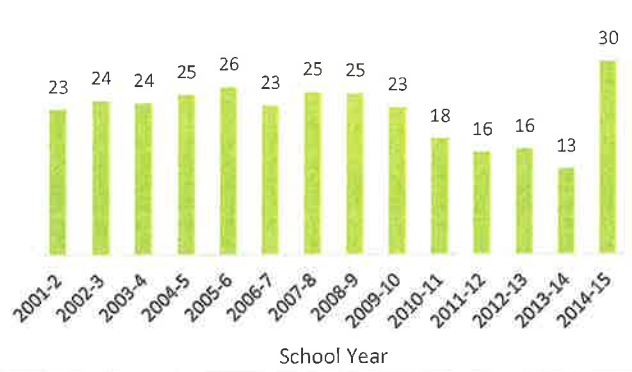
Difference between Percent Proficient in Non-SDA Districts and in SDA Districts

■ High School Math



Difference between Percent Proficient in Non-SDA Districts and in SDA Districts

■ High School ELA



Third grade data from 2008 is less reliable than other years due to a change in vendors and is therefore suppressed