

This template is an example that may be used for the submission of a request for waivers of accountability, school identification, and related reporting requirements under the Elementary and Secondary Education Act of 1965, as amended. Note that a State educational agency is not required to use this template. For assistance on this accountability waiver template, or to discuss assessment flexibility that a State may need based on the specific circumstances within the State, please contact [OESE.TitleI-a@ed.gov](mailto:OESE.TitleI-a@ed.gov).

The Honorable Ian Rosenblum

Deputy Assistant Secretary for Policy and Programs, Delegated the authority to perform the functions and duties of the Assistant Secretary for Elementary and Secondary Education  
Office of Elementary and Secondary Education  
U.S. Department of Education 400  
Maryland Avenue, SW Washington, DC  
20202

Dear Deputy Assistant Secretary Rosenblum:

I am writing to request a waiver, pursuant to section 8401 of the Elementary and Secondary Education Act of 1965 (ESEA), of the following requirements as a result of ongoing challenges related to the novel Coronavirus Disease 2019 (COVID-19):

State: **New Jersey**

Please check all that apply:

- Accountability and school identification requirements in ESEA sections 1111(c)(4) and 1111(d)(2)(C)-(D): the requirements that a State measure progress toward long-term goals and measurements of interim progress; meaningfully differentiate, on an annual basis, all public schools, including by adjusting the Academic Achievement indicator based on a participation rate below 95 percent; and identify schools for comprehensive, targeted, and additional targeted support and improvement based on data from the 2020- 2021 school year
  
- Report card provisions related to accountability in ESEA section 1111(h) based on data from the 2020-2021 school year. These include:
  - Section 1111(h)(1)(C)(i)(I)-(IV) and (VI) (Accountability system description, other than the list of comprehensive, targeted, and additional targeted support and improvement schools).
  - Section 1111(h)(1)(C)(iii)(I) (Other Academic indicator results for schools that are not high schools).
  - Section 1111(h)(1)(C)(v) (School Quality or Student Success indicator results).
  - Section 1111(h)(1)(C)(vi) (Progress toward meeting long-terms goals and measurements of interim progress).
  - Section 1111(h)(2)(C) with respect, at the local educational agency (LEA) and school levels, to all waived requirements in section 1111(h)(1)(C).

Consistent with the requirements of ESEA section 8401(b)(1)(C), describe how the waiving of such requirements will advance student academic achievement.

This waiver will allow the NJDOE and districts to maintain focus on supporting students' social, emotional, and academic development, rather than on high stakes accountability.

This waiver will help maintain trust in the accountability system and ensure that the continuous school improvement process driven by NJDOE's accountability system remains grounded in high-quality data. Assessment experts, including New Jersey's Technical Advisory Committee, have advised the NJDOE that student performance data from the 2020-2021 school year should not be utilized for accountability purposes due to the considerable disruptions to instruction, differences in assessment administration conditions, and anticipated non-representative samples of students in the testing population. This waiver ensures that accountability decisions are not made based on data that may not fully and accurately represent the performance of all students.

The waiver will also allow all schools currently in comprehensive or targeted support and improvement status to continue to receive the same improvement funds and support to which their status entitles them. This ensures that students and educators in those schools, which are identified as in most need of supports, continue to receive targeted assistance that improves capacity for delivering high-quality, evidence-based instruction and interventions.

Provide a description here.

Consistent with the requirements of ESEA section 8401(b)(1)(F), in order to maintain or improve transparency in reporting to parents and the public on student achievement and school performance in school year 2020-2021, including the achievement of subgroups of students, I assure that:

- The State will make publicly available chronic absenteeism data, either as defined in the State's School Quality or Student Success indicator, if applicable, or ED Facts, disaggregated to the extent such data are available by the subgroups in ESEA section 1111(c)(2), on State and local report cards (or in another publicly available location).
- The State will make publicly available data on student and/or teacher access to technology devices and high-speed internet, disaggregated by the subgroups in ESEA section 1111(c)(2), to the extent such data are collected at the state or LEA level.

Understanding the importance of using data to target resources and supports and to develop instruction and intervention plans tailored to student needs, the NJDOE has identified several sources of data that, in combination, will paint a picture of COVID-19's impact on learning opportunities. Those data sources include:

1. LEAs' interim assessments;
2. Beginning-of-year screener assessments that measure the level of support a student might need to ensure readiness for grade-level coursework;
3. NJDOE's collection of data regarding student access to digital learning devices and internet connectivity;
4. NJDOE's collection of data regarding the type of learning environment (i.e. in-person, remote, hybrid, or combination) an LEA provides;
5. Attendance collections;

6. A clearinghouse of successful practices that New Jersey school districts have identified as notable achievements in mitigating the challenges posed by COVID-19;
7. The New Jersey Department of Health’s regularly-updated dashboard of regional COVID-19 activity levels and number of school-related COVID cases and confirmed outbreaks by county.

### **LEAs’ Interim Assessments**

To fill data gaps caused by interrupted statewide assessment administration and to ensure that students are making meaningful growth toward grade-level standards, LEAs will provide the NJDOE with a snapshot of student learning during this school year through the submission of district-level interim assessment data denoting whether students are performing below, on, or above grade level for mathematics, ELA, and science. An interim assessment is defined as a comparison of student understanding or performance against a set of uniform standards within the same school year at periodic intervals, frequently at the end of a grading period. It may contain hybrid elements of formative and summative assessments, or a summative test of a smaller section of content within a unit or a semester. LEAs may utilize alternative assessments for special populations of students provided that they align with the standards used for all other students and occur within the designated time frame. The NJDOE’s state-required LEA accountability system, the New Jersey Quality Single Accountability Continuum (NJQSAC) , includes an indicator that verifies that LEAs annually administer standards-aligned formative, summative, benchmark and alternative assessments across all major content areas.

Participation data on the LEAs’ interim assessments will also be reported and information will be disaggregated by student groups. This data collection will enable the NJDOE to verify that LEAs assess their students’ progress toward K–12 grade level standards. The NJDOE will also report aggregate statewide trends regarding student performance. Importantly, this collection provides a structure for each LEA to compile and report student performance data in a manner that facilitates targeting of resources and supports to grade levels, student groups, or content areas most in need of learning acceleration. By basing the collection on interim assessments —assessments for which LEAs have the contextual information needed to interpret and understand results—the NJDOE will provide the tools needed to drive meaningful instructional decisions and planning. To maintain transparency and to provide data to families and the public, the NJDOE will encourage LEAs to post the same information to their websites.

With this data, LEAs will be able to develop comprehensive instructional plans that identify learning gaps and trends by grade level and student groups. Based on this data, and resources the NJDOE will be providing with funds authorized by the Coronavirus Response and Relief Supplemental Appropriations Act, 2021, Elementary and Secondary School Emergency Relief Fund, all LEAs will be expected to have a plan to accelerate learning throughout the summer and fall for the students who need the most support.

### **Beginning of Year Assessments**

Over the course of 2021, the NJDOE will provide statewide assessment resources in new ways to improve LEAs’ access to actionable student-level information. In Fall 2021, the NJDOE will provide its beginning of the year assessment aligned to the New Jersey Student Learning Standards, known as Start Strong, to all LEAs. Based on student performance on prior year standards, Start Strong determines the level of support that a student might need to master the current year’s prerequisite skills and concepts. These assessments are made up of publicly released NJSLA items and will be administered in grades 4–10 for English Language Arts, grades 4-8 for mathematics and Algebra I, Geometry, and Algebra II, and grades 6, 9, and 12 for Science. Start Strong will provide districts with timely, actionable, standards-based student performance data at the beginning of the school year that can be used as one measure to effectively target resources and supports and develop instruction and intervention plans. The suite of accommodations and modifications that are available for the NJSLA will be available to eligible students with disabilities, English learners (EL), and ELs with disabilities. Start Strong data can be used as one measure to effectively target resources and supports and develop instruction and intervention plans. Around the same time, NJDOE will also

administer Dynamic Learning Maps (DLM) Instructionally Embedded (IE) assessments for students with the most significant intellectual disabilities who participate in the DLM alternative assessment program.

The DOE will also pilot the Kindergarten Readiness Assessment (KRA) in the fall of 2021. The KRA is designed to be administered to incoming kindergarteners, measuring school readiness in the domains of social foundations, language and literacy, mathematics, and physical well-being. Administration of the KRA will provide participating districts with data depicting how prepared their students are for kindergarten. The tool will give educators and families the information needed to adjust, improve, and target teaching and related resources to the needs of their students.

The NJDOE operates under the guiding principles that the health, safety, and wellness of all New Jersey students are paramount; the provision of equitable access to technology, resources, and high quality instruction is critical and prioritizing the needs of our most vulnerable students groups is more important now than ever before; and that multiple sources of high-quality assessment data are critical to informing how educators will provide tiered systems of supports to meet the needs of all students and help students accelerate their learning throughout the coming years. The NJDOE will work to concentrate federal resources on these guiding principles and will leverage any existing statewide tools to help fill gaps in standards-based feedback and professional learning.

### **Digital Divide Data**

Since October 2020, the NJDOE has collected data from LEAs on a weekly basis regarding the number of students without access to digital learning devices and/or internet connectivity and the barriers preventing that access. The NJDOE also modified its student information data system to collect, for every student, whether that student had access to a personal dedicated device, a personal shared device, a school-provided device, or no device. When these data are compiled at the end of the 2020-2021 school year, it will allow LEAs and the State to better understand how COVID-19 has impacted individual students' access to learning opportunities and to target supports and resources accordingly.

### **Learning Environment Data**

Since September 2020, the NJDOE has collected from LEAs daily snapshots of whether the LEA is utilizing a fully in-person, fully remote, hybrid, or combination learning model. The NJDOE also modified its student information data system to collect, for every student and disaggregated by student group, a snapshot as of October 2020 and an end-of-year snapshot of the student's learning model.

For example, it is worth noting that the October 2020 snapshot of students' learning models described above provides important insights into how COVID-19 disproportionately affected access to in-person education services for different student groups. The snapshot data reveal:

- In mid-October 2020, roughly half of the State's students were enrolled in school districts that offered some form of in-person instruction (52.3% versus 47.7% in school districts that were remote-only).
- Schools districts that offered some form of in-person instruction in mid-October serve a disproportionate share of the State's White students (70.4%).
- Similarly, school districts that were remote-only in mid-October serve a disproportionate share of the State's Black or African American students (70.7%), English Learners (65.5%) and Economically Disadvantaged students (65.1%).

These insights, and the ability to track learning models over time, have enhanced and will continue to enhance the State's understanding of the extent to which COVID-19 hindered LEAs' ability to conduct in-person education services.

### **Attendance**

In addition to its routine attendance data collection, the NJDOE modified its annual collection this year to

include the number of school days in session in which a student received instruction in a remote environment. The Department will collect this as a snapshot at the end of the year. This collection will allow the NJDOE to determine the number of days that specific students or student groups attended school remotely vs. in-person in the 2020-2021 school year. These data – in addition to standard attendance and chronic absenteeism that the NJDOE collects as outlined in its approved ESSA State Plan – will build the NJDOE’s understanding of how COVID-19 affected access to in-person instruction and other learning opportunities for specific student groups.

### **Clearinghouse of Successful Practices**

On February 19, 2021, the NJDOE launched its clearinghouse of successful practices that LEAs have identified as notable achievements in mitigating the challenges posed by COVID-19. District-reported successes are categorized by county, district size, and topic area to facilitate meaningful collaboration and learning opportunities between similarly-situated districts. These data will provide focused, tested, and context-specific practices to help LEAs develop strategies to address issues related to learning gaps, attendance, lack of access to nutrition, housing, and other critical needs, and LEA operations.

### **New Jersey Department of Health (NJDOH) Data: COVID-19 Activity Level Reports and School Outbreaks**

The NJDOH publishes several data reports that help the State better understand COVID-19 transmission risk throughout the State. For example, the NJDOH’s COVID-19 Activity Level Index Weekly Reports assign transmission risk levels to each region of the State. The State also publishes a COVID-19 School-Related Outbreaks dashboard that displays, for each county, the number of confirmed outbreaks, associated with in-school transmission in K-12 settings, that have been verified by Local Health Departments and reported to the NJDOH (since August 1, 2020). This data allows NJDOE to target resources and supports to those education communities in the areas hardest hit by COVID-19.

The NJDOE’s annual school report card also includes school discipline data (e.g., number and percentage of students who received disciplinary removals); well-rounded education data (e.g. participation in visual and performing arts courses, AP/IB coursework, and career and technical education programs); and student to staff ratios for teachers, administrators, nurses, counselors, and child study team members. The NJDOE will continue reporting this information for the 2020-2021 school year.

Consistent with the requirements of ESEA section 8401(b)(1)(F), in order to ensure that schools will continue to provide assistance to the same populations served by Title I, Part A (e.g., subgroups in section 1111(c)(2)), I assure that:

- Any school that is identified for comprehensive, targeted, or additional targeted support and improvement in the 2019-2020 school year (i.e., any school that was in that status as of the 2019-2020 school year), except for comprehensive support and improvement schools identified based on low graduation rates that meet the State’s exit criteria, will maintain that identification status in the 2021-2022 school year, implement its support and improvement plan, and receive appropriate supports and interventions.

Any schools currently identified for TSI status would remain in status until the next TSI identification is made.

In addition to the direct allocation of School Improvement Award (Title I) funds to support allowable programs and initiatives for targeted student populations, these schools will continue to receive the same support that they have previously received as they remain in status, including but not limited to:

1. Engaging school leaders in continuous improvement process through analysis of quantitative and qualitative, aggregated and disaggregated data and ongoing development of Annual School Plan

- goals and action steps;
2. Collaborating with school and district leaders to analyze data and ensure utilization of formative assessments aligned to board-approved curricula;
  3. Coaching school and district leaders to build capacity through informal meetings, professional learning communities (PLCs), professional growth opportunities, instructional and process feedback based on implementation science, data, and evidence-based practices;
  4. Facilitating progress monitoring of the Annual School Plans, throughout additional years; and
  5. Collaborating with school and district leaders on classroom and instructional learning walks that include attention to the evidence-based practices and strategies to meet the needs of specific demographic groups, including scheduling and development of protocols with school and district leaders.

- The State will identify comprehensive, targeted, and additional targeted support and improvement schools using data from the 2021-2022 school year in the fall of 2022 to ensure school identification resumes as quickly as possible.

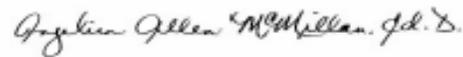
Consistent with the requirements of ESEA section 8401(b)(3)(A), prior to submitting this waiver, the State provided interested LEAs and the public with notice and a reasonable opportunity to comment and provide input on this waiver request and considered the feedback and input in finalizing this request. The comments and input received, as well as the State's description of how it addressed the comments and input, are enclosed with this request.

Thank you for your consideration.

Sincerely,

Chief State School Officer (or Authorized Representative)

Digital Signature or Typed Name and Date



Angelica Allen-McMillan, [March 18, 2021]

By typing my name here, I am affirming submission of this waiver on behalf of the State.

**OMB Number:** 1810-0752

Expiration Date: September 30, 2021

**Public Burden Statement:** According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1810-0752. Public reporting burden for this collection of information is estimated to average 3 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is voluntary. If you have any comments concerning the accuracy of the time estimate, suggestions for improving this individual collection, or if you have comments or concerns regarding the status of your individual form, application or survey, please contact the Office of School Support and Accountability, 400 Maryland Avenue, SW, LBJ Federal Office Building, Washington, DC, 20202 or [OESE.TitleI-a@ed.gov](mailto:OESE.TitleI-a@ed.gov).