



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

The Honorable Lamont O. Repollet
Acting Commissioner of Education
New Jersey Department of Education
PO Box 500
Trenton, NJ 08625

May 10, 2018

Dear Acting Commissioner Repollet:

I am writing in response to the New Jersey Department of Education's (NJDOE) request on February 28, 2018, for a waiver under section 8401 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA) related to NJDOE's implementation of new general science assessments.

NJDOE requested a one-year waiver of certain ESEA requirements to support its transition to new general science assessments aligned with the State's new academic content standards, the New Jersey Student Learning Standards for Science. During the 2017-2018 school year, NJDOE will administer a statewide field test of its new general assessments to all students in the grades in which science tests are administered. As a result, NJDOE proposed to not administer its current science assessments and not report assessment results to parents, educators or the public. However, NJDOE will hold districts and schools accountable for participation in the field test.

After reviewing NJDOE's request, I find that the waiver will benefit school children in New Jersey, so I am approving NJDOE's request for the 2017-2018 school year and waiving the following statutory requirements of the ESEA, as amended by the ESSA:

- Sections 1111(b)(1)(A) and (C) and 1111(b)(2)(B)(ii) and (v)(II), which require the State to establish student academic achievement standards in science and implement high-quality, yearly student academic assessments in science that are aligned with those standards to measure student achievement and to inform instruction.
- Sections 1111(b)(2)(B)(x) and (xii) and 1111(h)(1)(C)(ii) and (2)(C), which require the State and local educational agencies to provide individual student reports to parents, teachers and principals and to include the results of science assessments on State and local report cards.

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Please note that this waiver is only applicable for the 2017-2018 school year during the administration of the statewide field test of New Jersey's new general science assessments. Students eligible for the alternate assessment aligned with alternate academic achievement standards will be assessed using the Dynamic Learning Maps (DLM) science assessment and NJDOE will continue to report progress and participation data to schools and parents on the DLM, consistent with ESEA section 1111(b)(2)(B)(x) and (xii).

Please note that a failure to administer general and alternate science assessments in the 2018-2019 school year that meet all requirements would result in NJDOE being out of compliance with Title I of the ESEA and the Individuals with Disabilities Education Act, which could result in a number of enforcement actions, including withholding of funds.

We appreciate our continued relationship with NJDOE and remain committed to working with you. If you have any questions, please contact Katherine Cox or Megan Oberst of my staff at: OSS.NewJersey@ed.gov.

Thank you for your continued commitment to ensuring that all students have access to a high-quality education.

Sincerely,

/s/

Jason Botel
Principal Deputy Assistant Secretary,
Delegated the Authority to Perform
the Functions and Duties of the
Assistant Secretary of Elementary
and Secondary Education

cc: Jesse Young, Legislative Liaison, Office of Legislative and External Affairs, New Jersey Department of Education
Dr. Jeffrey B. Hauger, Director, Office of Assessments, New Jersey Department of Education