



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 21, 2017

The Honorable Kimberley Harrington
Commissioner
New Jersey Department of Education
PO Box 500
Trenton, NJ 0 8625

Dear Commissioner Harrington:

I am writing in response to the New Jersey Department of Education's (NJDOE's) request on August 31, 2017, for a waiver of the requirement in section 1111(b)(2)(B)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), which requires that the assessments under subparagraph (A) shall, except as provided in subparagraph (D), be the same academic assessments used to measure the achievement of all public elementary and secondary school students in the state; as well as a waiver of the corresponding regulation 34 C.F.R 200.2(b)(1)(i), which requires that the assessment required under this section must, except as provided in sections 200.3, 200.5(b), and 200.6(c) and section 1204 of the ESEA, be the same assessment used to measure the achievement of all students. NJDOE requested this waiver to allow all middle school students enrolled in advanced mathematics courses to take the end-of-course assessment aligned with the student's course in lieu of the grade-level assessment.

After reviewing NJDOE's request and supplemental information that identifies Algebra I as the mathematics assessment administered to all students to satisfy ESEA section 1111(b)(2)(B)(i) and (v), I am pleased to grant, pursuant to my authority under section 8401(a)(3) of the ESEA, as amended by ESSA, a waiver of section 1111(b)(2)(B)(i)(I) of the ESEA, as amended by the ESSA, as well as the corresponding regulation 34 C.F.R 200.2(b)(1)(i). This waiver is in effect from the 2017-2018 school year through the 2020-2021 school year. By granting this waiver, the Department and NJDOE have mutually agreed that:

- The NJDOE will apply the rules established as section 1111(b)(2)(C)(i) through (iii) of the ESEA, as amended by ESSA, and 34 C.F.R 200.5 (b)(1) through (3) to any student who does not take the mathematics assessment typically administered in the grade in which the student is enrolled.
- If a student does not take the mathematics assessment typically administered in the grade in which he or she is enrolled:
 - The student will take the end-of-course mathematics assessment the State administers to high school students to comply with assessment requirements established in section 1111(b)(2)(B)(v)(I)(bb) of the ESEA, as amended by ESSA;

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

- The student’s performance and participation on the high school assessment will be used in the year in which the student takes the assessment for the purposes of measuring academic achievement and participation as it pertains to the school-based accountability system required under the ESEA, as amended by ESSA; and
- In high school, the student will take a more advanced, State-administered end-of-course mathematics assessment or nationally recognized high school mathematics assessment (that meets the requirements in 34 C.F.R. 200.3(d)) and the student’s performance on and participation in that assessment will be used for the purposes of measuring academic achievement and participation as it pertains to the school-based accountability system required under the ESEA.

I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact Katherine Cox or Megan Oberst of my staff at: OSS.NewJersey@ed.gov.

Sincerely,

/s/

Jason Botel
Principal Deputy Assistant Secretary, Delegated
the authority to perform the functions and duties
of Assistant Secretary of Elementary and
Secondary Education

cc: Jeffrey Hauger