ASSEMBLY, No. 5374 STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 23, 2021

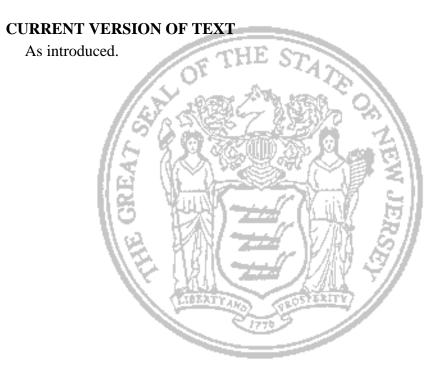
Sponsored by: Assemblywoman PAMELA R. LAMPITT District 6 (Burlington and Camden) Assemblywoman MILA M. JASEY District 27 (Essex and Morris) Assemblywoman JOANN DOWNEY District 11 (Monmouth)

Co-Sponsored by:

Assemblywomen Stanfield, Vainieri Huttle, Assemblyman Johnson, Assemblywomen McKnight, Swain and Assemblyman Tully

SYNOPSIS

Directs DOE to request waiver of certain student academic assessment requirements from federal government.



(Sponsorship Updated As Of: 3/25/2021)

1 AN ACT concerning student academic assessments in the 2020-2021 2 school year. 3 4 **BE IT ENACTED** by the Senate and General Assembly of the State 5 of New Jersey: 6 7 1. The Legislature finds and declares that: 8 The COVID-19 pandemic has introduced significant a. 9 uncertainty across nearly all aspects of society, including for 10 students, parents and guardians, teachers, and all other members of 11 the education community. 12 b. With the Statewide closure of schools during the 2019-2020 13 school year pursuant to Executive Order No. 104 of 2020 and the continuation of virtual or remote instruction in numerous school 14 15 districts during the 2020-2021 school year, many students have not 16 been in a school building since March 2020. 17 c. One pressure facing the education community, among many 18 other pressures presented during the COVID-19 pandemic, is the requirement to administer Statewide student academic assessments 19 20 required under the federal Elementary and Secondary Education Act 21 of 1965, as amended by the federal Every Student Succeeds Act of 22 2015. 23 d. Any Statewide assessment administered during the 24 unprecedented circumstances of the 2020-2021 school year is not 25 likely to yield any meaningful or consistent evaluation of student 26 academic performance. 27 e. Given that student assessments held during the 2020-2021 28 school year may be administered remotely or in-person depending 29 on a school district's circumstances, it is not possible to guarantee 30 that administration of the assessments can be completed in an 31 equitable way across the State. 32 f. School districts and individual teachers have employed other 33 tests and tools, outside of standardized testing, to assess student 34 progress and identify areas of attention, regardless of whether the 35 students are learning in a school building or at home. These tests often provide data that can be immediately addressed. 36 37 g. Pursuant to a special broadcast dated February 11, 2021, the 38 New Jersey Department of Education has already postponed the 39 start date of all assessments and plans to begin Statewide 40 assessment administration to no earlier than April 5, 2021. This 41 announcement allows the department more time to evaluate options 42 and alternatives to Statewide assessments during the 2020-2021 43 school year. 44 The instructional time and educational resources currently h. 45 available to students during such unprecedented and extraordinary 46 circumstances should not be focused on preparing students for 47 assessments that will not provide significant or timely information. 48 Rather, it is fitting and proper that the focus of current resources be

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directed toward providing students the support they need in real time to progress their education.

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4 Notwithstanding the provisions of any law, rule, or 2. a. 5 regulation to the contrary, the New Jersey Department of Education shall submit to the Secretary of the United States Department of 6 Education a formal request seeking a waiver of the student 7 8 academic assessments required under section 1111(b)(2) of the 9 federal Elementary and Secondary Education Act of 1965 (20 10 U.S.C. s.6311(b)(2)), for the 2020-2021 school year.

b. In addition to the provisions of section 8401 of the federal
Elementary and Secondary Education Act of 1965 (20 U.S.C.
s.7861) concerning the requirements for submitting a waiver of
statutory or regulatory requirements of that act to the Secretary of
the United States Department of Education, the New Jersey
Department of Education shall, as a condition of submitting the
waiver required pursuant to subsection a. of this section:

(1) compile and report the number of schools providing each
full-time in-person instruction, full-time virtual or remote
instruction, and hybrid instruction;

(2) compile and report the number of students participating in
each full-time in-person instruction, full-time virtual or remote
instruction, and hybrid instruction; and

(3) detail alternative education tools used by each school district
to assess student performance, after requesting that each district
identify to the New Jersey Department of Education such
alternative education tools.

3. This act shall take effect immediately.

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STATEMENT

34 This bill requires the New Jersey Department of Education to 35 submit to the United States Department of Education a formal request seeking a waiver of the student academic assessments 36 37 required under the federal Elementary and Secondary Education Act of 1965 (ESEA). In addition to the federal requirements for 38 39 submitting a waiver of ESEA statutory or regulatory provisions, the 40 bill requires the New Jersey Department of Education to: 1) compile 41 and report the number of schools providing each full-time in-person 42 instruction, full-time virtual or remote instruction, and hybrid 43 2) compile and report the number of students instruction: 44 participating in each full-time in-person instruction, full-time 45 virtual or remote instruction, and hybrid instruction; and 3) detail 46 alternative education tools used by each school district to assess 47 student performance, after requesting that each district identify to 48 the New Jersey Department of Education such alternative education 49 tools.