

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 Huttie, Assemblyman Johnson,
Assemblywomen McKnight, Swain and Assemblyman Tully**

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(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 a. The COVID-19 pandemic has introduced significant
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
14 continuation of virtual or remote instruction in numerous school
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
19 requirement to administer Statewide student academic assessments
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
36 often provide data that can be immediately addressed.

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 h. The instructional time and educational resources currently
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

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

3
4 2. a. Notwithstanding the provisions of any law, rule, or
5 regulation to the contrary, the New Jersey Department of Education
6 shall submit to the Secretary of the United States Department of
7 Education a formal request seeking a waiver of the student
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.

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

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

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

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

28
29 3. This act shall take effect immediately.

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32 STATEMENT

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34 This bill requires the New Jersey Department of Education to
35 submit to the United States Department of Education a formal
36 request seeking a waiver of the student academic assessments
37 required under the federal Elementary and Secondary Education Act
38 of 1965 (ESEA). In addition to the federal requirements for
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 instruction; 2) compile and report the number of students
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.