



STATE OF NEW JERSEY

DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: April 28, 2021
To: Chief School Administrators, Charter School and Renaissance School Project Leads
From: Kathleen Ehling, Acting Assistant Commissioner
Division of Student Services
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Division of Academics and Performance

New Jersey FY 2019 Federal Performance Review Report

To support continued implementation of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), the United States Department of Education (USED) conducted a Performance Review of the New Jersey Department of Education's (NJDOE) compliance with federal fiscal requirements in October 2019. The Performance Review included a review of fiscal and program requirements associated with the administration of Title I, Part A; Title I, Part B; Title II, Part A; Title III, Part A and Title V, Part B Subpart 2 of the ESEA through both an onsite visit and a review of other relevant qualitative and quantitative data. This included a review of NJDOE's implementation of ESSA provisions related to school accountability, school improvement, and programmatic and fiscal rules for Titles I, II, III, and V.

The primary goal of the review was to ensure that implementation of the programs listed above is consistent with the fiscal, administrative, and program requirements contained in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance: 2 Code of Federal Regulations (CFR) Part 200); the Education Department General Administrative Requirements (EDGAR); and the ESEA. The [final performance report](#), which was issued in April 2020, rates implementation of the required elements based on four levels:

- "Met requirements with commendation" represents high quality implementation where the grantee is exceeding expectations;
- "Met requirements" indicates that the grantee is meeting expectations;
- "Met requirements with recommendations" indicates there are quality or implementation concerns and some improvements could be made to ensure the grantee continues to meet expectations; and
- "Action required" indicates there are significant compliance or quality concerns that require urgent attention by the State educational agency and will be revisited until the State has remedied the issue. For items listed as 'action required,' the report outlines the current practice, the nature of noncompliance, and the required action.

According to the [final performance report](#), the NJDOE "met requirements" in 17 areas, "met requirements with recommendations" in seven areas, and received "action required" in 13 areas. In November 2020, the USED provided its final response that the NJDOE has completely resolved eight of the areas which required additional action; the NJDOE is in the process of responding to the 5 areas that are partially resolved. A complete listing of the required actions is available on the NJDOE [website](#) and will be updated as remaining areas are addressed.

One area cited for additional action was the methodology used by the NJDOE to calculate the Adjusted Cohort Graduation Rate (ACGR). The ESSA requires States to annually calculate and publish the ACGR at the subgroup, school, district, and state level. The ESSA regulations require that all students included in the calculation's numerator have met the same graduation requirements.

New Jersey's current [graduation assessment requirements](#) require all graduates to either demonstrate proficiency on the statewide assessment, meet the designated cut score on an alternate assessment, or demonstrate proficiency through Portfolio Appeals. State regulations also allow the Individualized Education Program (IEP) team of a student with a disability to exempt a student from demonstrating proficiency on a Statewide or districtwide assessment. These students may satisfy the graduation assessment requirements by meeting alternate requirements specified in their IEPs.

Additionally, under current New Jersey State regulations, in the appropriate circumstance, a student's IEP team may waive the [statewide graduation course requirements](#) and/or locally established attendance requirements necessary for graduation. Students with disabilities who meet alternate requirements for any graduation requirement in their IEPs have historically received the same State-endorsed diploma as those students who satisfy New Jersey's graduation assessment requirement by demonstrating proficiency on the statewide assessment, meeting the designated cut score on an alternate assessment, or demonstrating proficiency through the Portfolio Appeals Process.

The final [performance report](#) concluded that students with disabilities who receive a high school diploma but have not met the State's graduation assessment, course, or attendance requirements (i.e., because those requirements were specifically waived in the student's IEP), may not be included in the ACGR as graduates. Therefore, NJDOE will adjust the calculation of ACGR to meet federal requirements as follows:

- For the Class of 2021, the numerator of the ACGR will not include students with disabilities who have been exempted from meeting either the state course requirements and/or the attendance requirements for graduation. These students will continue to receive a State-endorsed diploma if they meet the alternate graduation requirements in their IEPs. Under Executive Order No. 214, signed by Governor Murphy on January 11, 2021, all state graduation assessment requirements were waived for all 2021 graduates.
- For the Class of 2022 and future graduating classes, students who do not meet one or more of the State's graduation requirements, including the assessment requirement, but instead meet alternate requirements specified in their IEPs will not be included in the numerator when calculating the ACGR. These students will continue to receive a State-endorsed diploma if they meet the alternate graduation requirements in their IEPs. Additional information regarding the ACGR is available in this [ACGR Fact Sheet](#).

Importantly, please note that USED's findings only modify how NJDOE calculates graduation rates for federal reporting, they do not affect requirements to earn a diploma or the type of diploma that the State awards to students with disabilities.

For questions regarding the federal monitoring report, please send an email to Titleone@doe.nj.gov. For questions regarding graduation requirements for students with IEPs, please send an email to oseinfo@doe.nj.gov.

c: Members, State Board of Education
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