

New Jersey State Board of Education
Minutes of the Virtual Meeting of the New Jersey State Board of Education
September 8, 2021

Presiding: Kathy Goldenberg, President

Secretary: Angelica Allen-McMillan, Ed.D., Acting Commissioner

Present Constituting a Quorum

Mr. Andrew Mulvihill

Mrs. Mary Beth Gazi

Mrs. Elaine Bobrove

Mr. Jack Fornaro

Dr. Joseph Ricca

Mrs. Mary Beth Berry

Dr. Nedd Johnson

Mrs. Fatimah Burnam-Watkins

Mrs. Sylvia Sylvia

Absent

Mr. Arcelio Aponte

Dr. Ronald Butcher

Dr. Ernie Lepore

Convening

State Board of Education President Kathy Goldenberg convened the public meeting at 9:09 a.m. with the reading of the statement pertaining to the public session of the State Board meeting as it complies with the New Jersey Open Public Meetings Act.

The Open Public Meetings Act was enacted to insure the right of the public to have advance notice of and to attend the meeting of public bodies at which any business affecting their interest is discussed or acted upon.

In accordance with the provisions of this Act, the State Board of Education has caused notice of this meeting to be published by having the date, time and place thereof posted in the Department of Education (Department), Secretary of State's Office and notice also having been given to the State House Press Corps, the Governor's Office and the State Board agenda subscribers.

And seeing there was a quorum, the meeting of September 8, 2021, called to order.

Adjourn to Executive Session

President Goldenberg then read the resolution pertaining to the executive session of the State Board meeting as it complies with the Open Public Meetings Act.

Whereas, in order to protect the personal privacy and to avoid situations wherein the public interest might be disserved, the Open Public Meetings Act permits public bodies to exclude the public from that portion of a meeting at which certain matters are discussed, now therefore be it

Resolved, that consistent with the provision of N.J.S.A. 10:4-12.b, the State Board Education will now adjourn to executive session to discuss personnel and legal issues. The State Board immediately adjourned to executive session on September 8, 2021.

Reconvening

President Kathy Goldenberg reconvened the open meeting at 10:20 a.m. with the reading of the resolution pertaining to the resumption of the public session of the State Board meeting as it complies with the Open Public Meetings Act.

Whereas, consistent with the provision of N.J.S.A. 10:4-12.b, the State Board will now adjourn from executive session to resume the open session of this meeting.

Pledge of Allegiance

Approval of Minutes of The Meetings

On a motion duly seconded and carried, the State Board members approved the minutes of the public meeting conducted on August 4, 2021. Mary Beth Berry, Fatimah Burnam-Watkins and Joseph Ricca abstained.

President's Reports

President Goldenberg welcomed the viewing audience to the virtual State Board of Education meeting.

Public Testimony

President Goldenberg stated that the State Board would accept written public testimony on Open Topic and the readoption of School District Operations. She also stated that there will be no topics for October written testimony.

Report of the Permanent Student Representative

President Goldenberg introduced and welcomed the State Board of Education's the new permanent student representative, Miss Maura Baker, a junior at West Orange High School in Essex County. Ms. Baker provided remarks on the idea to implement more life skills classes into the curriculum.

State Board Committee Reports

Policy Committee

Ms. Elaine Bobrove, chair, Policy Committee, stated that the Policy Committee met with Department staff on August 31, 2021. Ms. Bobrove stated they discussed high school graduation assessments and related issues as well as the proposed termination of a 2020 modification to special education rules. She further stated they discussed rulemakings related to Chapter 8, Standards and Assessment, and Chapter 14, Special Education and will forgo providing further details about the committee discussion, since they are on today's agenda.

National Association of State Boards of Education Elections

Ms. Goldenberg stated that various elections will take place at the National Association of State Boards of Education, Chair-Elect of the Board of Directors, Secretary-Treasurer, and Northeast Area

Director (NASBE) will take place at the annual business meeting during NASBE’s annual virtual conference this year.

She stated that this year she will continue to serve as the State Delegate. She further stated that per NASBE’s rules, Ms. Diane Shoener, Director of the Office of the State Board of Education notified NASBE that she would continue to be NJ’s delegate.

Ms. Goldenberg stated that State Board members received background information for each of the following candidates in their agenda materials.

- The nominee for Chair-Elect of the Board of Directors is Christine Benson (Illinois).
- The nominee for Secretary-Treasurer is Fern Desjardins (Maine).
- The nominee for Northeast Region Area Director is Woody Exley (Connecticut).

She stated that since there is only one candidate for each open position, unless the State Board objects, she will place New Jersey's vote for Chair-Elect of the Board of Directors as Christine Benson (Illinois), Secretary Treasurer as Fern Desjardins (Maine) and Northeast Area Director as Woody Exley (Connecticut).

Commissioner’s Reports

Honoring New Jersey Department of Education Retiring Employees

Acting Commissioner Allen-McMillan acknowledged three employees who made the momentous decision to retire.

- Maryann Bilancio-Olla, Office of Capital Resources, Division of Executive Services, June 1980 – September 2021, 38 years of service.
- Jacinta “Jaye” DeCohen, Office of School Facility Planning, Division of Finance, May 1999 – September 2021, 22 years of service.
- Barbara Molnar, Office of Information Technology, Division of Finance, May 1989 – September 2021, 32 years of service.

Acting Commissioner Allen-McMillan thanked them for their dedication, commitment and contributions over the years and wished them the best of health and happiness in retirement.

Items for Consideration:

**Items scheduled for a vote are marked with an asterisk.*

***A. Commissioner**

- Adopted the organizational structure for the State Department of Education at N.J.A.C. 6A:2-1.1 et seq., pursuant to N.J.S.A. 52:14B-3(1).

***B. Appointments**

- Approved the appointment of Hanifa Barnes, Assistant Commissioner of the Division of Legal and External Services.

***C. Certification of School Districts**

- Approved for a period of three years, those school districts recommended by the Commissioner, pursuant to N.J.S.A. 18A:7A-14.a and b.

Districts	County
Barrington	Camden
Waterford	Camden

***D. Special Education**

- Adopted the termination of the temporary rule modification of rules governing the provision of special education and services to students with disabilities at N.J.A.C. 6A:14-1.1., pursuant to N.J.S.A. App. A:9-45 and App. A:9-47; Executive Order No. 103 (2020); and P.L. 2021, c. 103, issued in response to the COVID-19 pandemic. State Board Vice President Andrew Mulvihill and State Board members Mary Beth Berry and Jack Fornaro opposed.

***E. Education for Homeless Children and Students in State Facilities**

- Approved for publication in the New Jersey Register the readoption with amendments pertaining to the rules at N.J.A.C. 6A:17, Education for Homeless Children and Students in State Run Facilities, pursuant to N.J.S.A. 18A:7B-1 et seq., 18A:7F-43 et seq., and 18A:38-1.d and 19, and the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015 (P.L. 115-141).

***F. Resolution to Adopt Proficient Level Cut Scores for Dynamic Learning Maps for English Language Arts, Mathematics (grades 3-8 and 11), and Science (grades 5, 8 and 11)**

- Approved the following resolution to adopt proficiency level cut scores for the Dynamic Learning Maps English Language Arts, Mathematics (grades 3-8 and 11), and Science assessments (grades 5, 8, and 11) pursuant to N.J.A.C. 6A:8-4.

Resolution to Establish Performance Level Cut Score Standards for Dynamic Learning Maps (DLM): Mathematics, English Language Arts, and Science

Whereas, the New Jersey State Board of Education (State Board) has required that all students in grades three through high school will be assessed in English language arts and mathematics, and students enrolled in grades five, grade eight, and high school be assessed in science in accordance with N.J.A.C. 6A:8-4.

Whereas, according to Section 1111(b)(2) of the Every Student Succeeds Act (ESSA) each state may provide for alternate assessments aligned with the challenging state academic standards and alternate academic achievement standards for students with the most significant cognitive disabilities.

Whereas, according to N.J.A.C. 6A:8-4.1(d)3, at specific times prescribed by the Commissioner, district boards of education shall administer the alternative assessment for students with disabilities to students with severe disabilities who cannot participate in other assessments due to the severity of their disabilities.

Whereas, the Dynamic Learning Maps (DLM) alternate assessment is provided for assessing student progress toward demonstrating a thorough understanding of essential knowledge and skills delineated by the State standards as the alternative assessment for students with severe disabilities; and

Whereas, standard setting studies were completed in accordance with industry best practices in large-scale assessment to determine the assessments' validity and the theoretically appropriate performance level cut scores; and

Whereas, the State Board approves the Department's selection of the respective DLM performance level cut scores; and

Whereas, the Department will monitor the impact of these tests and performance level cut scores on the performance rates for each grade level where the test is administered and will report any problems with the same to the State Board; now therefore be it

Resolved, that the New Jersey State Board of Education hereby acknowledges and approves the following performance level cut scores, effective September 8, 2021:

DLM Science Cut Scores

Grade	Approaching	Target	Advanced
5	10	17	25
8	10	16	23
11	8	16	23

DLM Math Cut Scores

Grade	Approaching	Target	Advanced
3	12	21	37
4	20	30	56
5	15	32	48
6	13	28	38
7	19	37	53
8	17	40	53
11	8	18	38

DLM English Language Arts (ELA)

Grade	Approaching	Target	Advanced
3	36	50	71
4	38	57	75
5	35	53	76
6	27	46	65
7	27	52	73
8	23	48	72
11	18	47	70

***G. Resolution to Adopt Proficient Level Cut Scores for ACCESS/Alternate ACCESS for English Language Learners (ELLs) Assessments (grades K-12)**

- Approved the following resolution to adopt proficiency level cut scores for ACCESS/Alternate ACCESS for ELLs assessments (grades K-12), pursuant to N.J.A.C. 6A:8-4.

A Resolution to Establish Proficient Level Cut Score Standards for ACCESS for ELLs and Alternate ACCESS for ELLs

Whereas, according to N.J.A.C. 6A:15-1.10(b), students enrolled in the bilingual, English as a Second Language (ESL), or English language services program shall be assessed annually using a Department-approved English language proficiency test to determine their progress in achieving English language proficiency goals and readiness for exiting the program, and

Whereas, according to Section 1111(b)(2) of the Every Student Succeeds Act (ESSA), each State plan shall demonstrate that local educational agencies in the state will provide for an annual assessment of English proficiency of all English learners in the schools served by the state educational agency, and

Whereas, the Department administers the ACCESS and Alternate ACCESS for ELLs assessments as the English language proficiency tests based on the English language development standards which assess four language domains – Listening, Reading, Speaking, Writing; and

Whereas, standard-setting studies were completed in 2016 in accordance with industry best practices in large-scale assessment to determine the assessments' validity and the theoretically appropriate proficiency level cut scores; and

Whereas, the New Jersey State Board of Education approves the Department's selection of the respective ACCESS and Alternate ACCESS for ELLs proficiency level cut scores; and

Whereas, the Department will monitor the proficiency rates for each grade level at which the ACCESS and Alternate ACCESS for ELLs assessments are administered; and

Whereas, based on the monitoring of the proficiency rates, the Department will make recommendations for modifications to the State Board as related to New Jersey's minimum overall composite score required for exiting students from bilingual, ESL, or English language services programs; now therefore be it

Resolved, that the New Jersey State Board of Education hereby acknowledges and approves the following proficiency level cut scores, effective September 8, 2021:

Alternate Access for ELLs: Scale Score to Proficiency Levels

(Note: Writing is the only domain in which a Proficiency level of P3 is attainable.)

Domain & Composites	Proficiency Level					
	A1 (Initiating)	A2 (Exploring)	A3* (Engaging)	P1 (Entering)	P2 (Emerging)	P3 (Developing- Writing only)
Listening	910	925	932	937	942	-
Reading	910	924	932	937	942	-
Speaking	910	925	930	939	945	-
Writing	910	923	931	938	947	953
Overall Composite	910	924	931* (minimum score used in NJ for exits)	938	944	-
Comprehension Composite	910	924	932	937	942	-
Literacy Composite	910	924	932	938	945	-
Oral Composite	910	925	931	938	944	-

ACCESS for ELLs Overall Composite: Scale Score to Proficiency Levels

Grade	PL 2 (Emerging)	PL 3 (Developing)	PL 4 (Expanding)	NJ Minimum Range for Exit (4.5)*	PL 5 (Bridging)	PL 6 (Reaching)
K	229	261	293	309-312	325	350
1	242	274	315	330-332	344	368
2	254	289	329	344-346	359	383
3	265	300	340	356-358	371	396
4	279	309	350	366-369	382	406
5	286	317	358	374-377	390	415
6	291	324	365	382-385	399	423
7	298	331	372	389-392	406	431
8	304	337	378	395-398	412	438
9	311	344	385	402-404	418	446
10	318	350	391	408-410	424	453
11	325	356	397	413-416	429	459
12	331	362	402	418-421	434	466

ACCESS for ELLs Listening Domain: Scale Score to Proficiency Levels

Grade	PL 2 (Emerging)	PL 3 (Developing)	PL 4 (Expanding)	PL 5 (Bridging)	PL 6 (Reaching)
K	229	251	278	286	308
1	236	259	291	303	327
2	245	283	314	330	354
3	262	300	331	349	374
4	275	313	343	363	388
5	285	323	354	375	401
6	294	332	363	385	411
7	302	340	370	394	420
8	308	347	377	402	427
9	314	353	383	409	434
10	325	358	389	415	441
11	335	364	394	420	447
12	342	368	398	426	452

ACCESS for ELLs Reading Domain: Scale Score to Proficiency Levels

Grade	PL 2 (Emerging)	PL 3 (Developing)	PL 4 (Expanding)	PL 5 (Bridging)	PL 6 (Reaching)
K	241	259	279	289	310
1	264	286	304	315	334
2	283	307	326	337	355
3	297	323	342	352	370
4	307	335	354	364	382
5	316	345	364	373	391
6	323	353	373	382	399
7	329	360	380	389	406
8	335	366	386	395	412
9	340	372	392	401	418
10	344	377	397	406	423
11	348	382	402	410	427
12	352	386	407	414	432

ACCESS for ELLs Speaking Domain: Scale Score to Proficiency Levels

Grade	PL 2 (Emerging)	PL 3 (Developing)	PL 4 (Expanding)	PL 5 (Bridging)	PL 6 (Reaching)
K	191	250	301	349	392
1	205	261	311	361	403
2	220	273	322	374	415
3	234	283	332	386	425
4	246	293	342	397	435
5	258	302	350	407	443
6	268	310	360	417	451
7	277	317	369	425	457
8	284	323	377	433	463
9	290	328	385	440	468

10	295	333	393	446	471
11	299	337	400	451	474
12	302	340	406	455	476

ACCESS for ELLs Writing Domain: Scale Score to Proficiency Levels

Grade	PL 2 (Emerging)	PL 3 (Developing)	PL 4 (Expanding)	PL 5 (Bridging)	PL 6 (Reaching)
K	234	271	311	367	389
1	238	275	337	382	405
2	242	279	341	388	411
3	247	283	346	394	418
4	266	288	351	401	425
5	267	293	356	407	433
6	268	298	361	413	441
7	273	305	367	419	450
8	281	311	372	424	459
9	289	319	378	430	469
10	298	326	385	436	479
11	308	335	391	441	490
12	318	344	398	447	501

ACCESS for ELLs Comprehension Composite: Scale Score to Proficiency Levels

Grade	PL 2 (Emerging)	PL 3 (Developing)	PL 4 (Expanding)	PL 5 (Bridging)	PL 6 (Reaching)
K	237	257	279	288	309
1	256	278	300	311	332
2	272	300	322	335	355
3	287	316	339	351	371
4	297	328	351	364	384
5	307	338	361	374	394
6	314	347	370	383	403
7	321	354	377	391	410
8	327	360	383	397	417
9	332	366	389	403	423
10	338	371	395	409	428
11	344	377	400	413	433
12	349	381	404	418	438

ACCESS for ELLs Literacy Composite: Scale Score to Proficiency Levels

Grade	PL 2 (Emerging)	PL 3 (Developing)	PL 4 (Expanding)	PL 5 (Bridging)	PL 6 (Reaching)
K	238	265	295	328	350
1	251	281	321	349	370
2	263	293	334	363	383
3	272	303	344	373	394
4	287	312	353	383	404
5	292	319	360	390	412

6	296	326	367	398	420
7	301	333	374	404	428
8	308	339	379	410	436
9	315	346	385	416	444
10	321	352	391	421	451
11	328	359	397	426	459
12	335	365	403	431	467

ACCESS for ELLs Oral Language Composite: Scale Score to Proficiency Levels

Grade	PL 2 (Emerging)	PL 3 (Developing)	PL 4 (Expanding)	PL 5 (Bridging)	PL 6 (Reaching)
K	210	251	290	318	350
1	221	260	301	332	365
2	233	278	318	352	385
3	248	292	332	368	400
4	261	303	343	380	412
5	272	313	352	391	422
6	281	321	362	401	431
7	290	329	370	410	439
8	296	335	377	418	445
9	302	341	384	425	451
10	310	346	391	431	456
11	317	351	397	436	461
12	322	354	402	441	464

***H. Standards and Assessments**

- Adopted the amendments pertaining to assessment and graduation requirements at N.J.A.C. 6A:8, pursuant to N.J.S.A. 18A:4-15 and N.J.S.A. 18A:7A-10 through 14, 18A:7C-1 et seq., 18A:7E-2 through 5, 18A:35-4.2 and 4.7, and 18A:59-5.

***I. Resolution to Adopt New PRAXIS Tests and Qualifying Scores for the PRAXIS Tests and EdTPA**

- Approved the following resolution to adopt new PRAXIS tests and qualifying scores for the PRAXIS tests for math, middle school math and middle school science and the qualifying scores for the EdTPA, pursuant to N.J.A.C. 6A:9B-8.2, 8.3 and 8.7.

A Resolution Adopting New Praxis Tests and Qualifying Scores for Praxis Mathematics, Middle School Mathematics, and Middle School Science and New Qualifying Scores for EdTPA

Whereas, the State Board of Education has required that teacher certification candidates pass assessments in specified disciplines in accordance with N.J.A.C. 6A:9B-8.1, effective January 5, 2009, and with N.J.A.C. 6A:9B-8.7(a)4i, effective September 1, 2017; and

Whereas, the Educational Testing Service (ETS) has recently established new tests in the subject areas of Praxis Mathematics, Middle School Mathematics, and Middle School Science to replace the current tests used by the Department of Education (Department); and

Whereas, State Board of Education approval is necessary for the adoption of the respective Praxis tests, edTPA and qualifying scores for the corresponding certificates; and

Whereas, New Jersey stakeholders have participated in a national standard-setting study for the Praxis tests; and

Whereas, the Department also convened a panel of New Jersey stakeholders on April 28, 2021, to participate in an edTPA standard setting study to review and analyze New Jersey-specific data and determine valid and theoretically appropriate qualifying scores to recommend to the State Board of Education for the 2021-2022 school year and beyond; now therefore be it

Resolved, that the State Board of Education hereby approves the findings of the edTPA standard setting study process to maintain a qualifying score of a 44 on the combined elementary assessment, a qualifying score of 32 on the world and classical languages assessments, and a qualifying score of 37 on all other assessments, effective September 8, 2021, to satisfy all applicable regulatory requirements; and be it further

Resolved, that the State Board of Education hereby approves the selection of the specified Praxis assessments and accepts the establishment of the following qualifying scores, effective September 8, 2021:

Mathematics	159
Middle School Mathematics	157
Middle School Science	152

***J. State Board of Education Rulemaking**

- Adopted the readoption with amendments pertaining to rulemaking at N.J.A.C. 6A:6, pursuant to N.J.S.A. 18A:4-15 and 52:14B-1.

New Business

There is no new business.

Public Testimony

The State Board accepted written testimony on Open Topic and School District Operations.

Adjournment

On a motion duly seconded and carried, the State Board of Education adjourned its September 8, 2021, public meeting at 12:13 p.m.

Angelica Allen-McMillan, Ed.D., Acting Commissioner
Acting Secretary, N.J. State Board of Education