

CHAPTER 8
STANDARDS AND ASSESSMENT

Authority

N.J.S.A. 18A:7A-10 through 14, 18A:7A-49, 18A:7C-1 et seq., 18A:7E-2 through 5, 18A:35-4.2, 18A:35-4.7 and 18A:59-5.

Source and Effective Date

R.2011 d.052, effective February 7, 2011.
See: 42 N.J.R. 1769(a), 43 N.J.R. 282(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 8, Standards and Assessment, expires on February 7, 2018. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 8, Standards and Assessment, was adopted as R.2000 d.190, effective May 1, 2000. See: 32 N.J.R. 395(a), 32 N.J.R. 1528(a).

Chapter 8, Standards and Assessment, was readopted as R.2005 d.213, effective June 7, 2005. See: 37 N.J.R. 833(a), 37 N.J.R. 2487(a).

The chapter Appendix, AYP Targets, was adopted as new rules by R.2009 d.234, effective July 20, 2009. See: 41 N.J.R. 1302(a), 41 N.J.R. 2779(c).

Chapter 8, Standards and Assessment, expired on June 7, 2010, and was adopted as new rules by R.2011 d.052, effective February 7, 2011. See: Source and Effective Date.

Petition for Rulemaking. See: 47 N.J.R. 733(a), 913(b), 2310(b).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 6A:8-1.1 Purpose
- 6A:8-1.2 Scope
- 6A:8-1.3 Definitions

SUBCHAPTER 2. THE CORE CURRICULUM CONTENT STANDARDS

- 6A:8-2.1 Authority for educational goals and standards
- 6A:8-2.2 Authority for the State Plan for Career and Technical Education
- 6A:8-2.3 through 6A:8-2.4 (Reserved)

SUBCHAPTER 3. IMPLEMENTATION OF THE CORE CURRICULUM CONTENT STANDARDS

- 6A:8-3.1 Curriculum and instruction
- 6A:8-3.2 Career education and counseling
- 6A:8-3.3 Enrollment in college courses
- 6A:8-3.4 (Reserved)

SUBCHAPTER 4. IMPLEMENTATION OF THE STATEWIDE ASSESSMENT SYSTEM

- 6A:8-4.1 Statewide assessment system
- 6A:8-4.2 Documentation of student achievement
- 6A:8-4.3 Accountability
- 6A:8-4.4 Annual review and evaluation of school districts
- 6A:8-4.5 Public reporting

SUBCHAPTER 5. IMPLEMENTATION OF GRADUATION REQUIREMENTS

- 6A:8-5.1 Graduation requirements
- 6A:8-5.2 High school diplomas

APPENDIX. (RESERVED)

SUBCHAPTER 1. GENERAL PROVISIONS

6A:8-1.1 Purpose

(a) To prepare students for college and career, success in life, and work in an economy driven by information, knowledge, and innovation requires a public education system where teaching and learning are aligned with 21st century learning outcomes. The outcomes move beyond a focus on basic competency in core subjects and foster a deeper understanding of academic content at much higher levels by promoting critical thinking, problem solving, and creativity through:

1. The Core Curriculum Content Standards that specify expectations in nine academic content areas: the Common Core State Standards in English language arts and mathematics; and the Core Curriculum Content Standards in the visual and performing arts; comprehensive health and physical education; science; social studies; world languages; technology; and 21st century life and careers;
2. Indicators at benchmark grade levels delineated in the standards that further clarify expectations for student achievement; and
3. Twenty-first century themes and skills integrated into all content standards areas.

(b) District boards of education shall ensure that standards, assessments, curriculum, instruction, and professional development are aligned in a local support system that enables all students to achieve 21st century outcomes through the establishment of student-centered learning environments that provide opportunities for academically diverse students to:

1. Learn in meaningful, real-world contexts through rigorous and relevant curriculum that promotes engagement in learning by addressing varying college and career goals;
2. Access and use quality learning tools, technologies, and resources;
3. Become self directed seekers of knowledge able to evaluate, apply, and create new knowledge in varying contexts; and
4. Use effective communication, communication technology, and collaboration skills to interact with cultural sensitivity in the diverse local and world community.

(c) The Core Curriculum Content Standards, including indicators, enable district boards of education to establish curriculum and instructional methodologies for the purpose of providing students with the constitutionally mandated system

of “thorough” public school instruction that promotes college and career readiness.

(d) The Statewide assessment system is designed to measure college and career readiness and student progress in the attainment of the Core Curriculum Content Standards.

(e) The results of the Statewide assessments shall facilitate program evaluation based on student performance and shall enable district boards of education, the public, and government officials to evaluate the educational delivery systems of all public schools.

Amended by R.2002 d.357, effective November 4, 2002.

See: 34 N.J.R. 2916(a), 34 N.J.R. 3804(a).

In (c), inserted “is designed to” preceding “measure”.

Amended by R.2003 d.430, effective November 3, 2003.

See: 35 N.J.R. 2551(a), 35 N.J.R. 5077(a).

In (a), substituted “progress indicators at benchmark grade levels” for “progress indicators at the benchmark grades of four, eight, and 11-12” following “cumulative” and deleted 3.

Amended by R.2005 d.213, effective July 5, 2005.

See: 37 N.J.R. 833(a), 37 N.J.R. 2487(a).

In (a), rewrote 1.

Amended by R.2009 d.234, effective July 20, 2009.

See: 41 N.J.R. 1302(a), 41 N.J.R. 2779(c).

Rewrote (a); added new (b); and recodified former (b) through (d) as (c) through (e).

Amended by R.2013 d.144, effective December 16, 2013.

See: 45 N.J.R. 1323(a), 45 N.J.R. 2545(a).

In the introductory paragraph of (a), inserted “college and career”, deleted “future education,” following “life,” and substituted “The” for “These”; rewrote (a)1 and (a)3; in (a)2, substituted “Indicators” for “Cumulative progress indicators”; in (b)1, substituted “real-world” for “real world”, and substituted “college and career” for “postsecondary”; in (c), deleted “cumulative progress” following “including”, and inserted “that promotes college and career readiness”; and in (d), inserted “college and career readiness and”.

Petition for Rulemaking.

See: 47 N.J.R. 733(a), 913(b), 2310(b).

Case Notes

Department of Education regulations complied with requirements for standard-based education imposed by Supreme Court to remedy achievement and funding problems in special needs districts, even though task of designing and implementing models and programs to meet the standards was left to school districts and school-based management teams; Supreme Court did not require that district models and standards be codified, and regulations retained in Commissioner of Education the responsibility to ensure that models employed conform to standards. *Abbott v. Burke Regulations*, 348 N.J. Super 382, 792 A.2d 412.

Initial Decision (2008 N.J. AGEN 774) adopted, which determined that a fifth-grade teacher’s performance, even after notice of the charges and assistance and opportunities to improve, was deficient and inefficient as charged so that the teacher should be dismissed and removed from employment. The teacher demonstrated a pattern of carelessness, a lack of dedication, and inefficiency in his teaching, failed to establish and maintain an orderly and supportive learning environment for his class, and continued to refuse and/or fail to efficiently comply with schedules, content, methods, and pacing, and to provide documentation prescribed for instruction and for evaluation of student performance pursuant to the New Jersey Professional Standards for Teachers, N.J.A.C. 6A:9-3.3, and the Core Curriculum Content Standards of N.J.A.C. 6A:8-1.1. In re Tenure Hearing of Jones, OAL Dkt. No. EDU 2152-07, 2008 N.J. AGEN LEXIS 1181, Final Decision (September 29, 2008).

6A:8-1.2 Scope

(a) The Core Curriculum Content Standards apply to all students enrolled in public elementary, secondary, and adult high school education programs within the State of New Jersey.

(b) Unless otherwise noted, “district boards of education” shall be interpreted throughout this chapter to include the governing authorities of all providers of publicly funded elementary, secondary, and adult high school education programs, including county vocational school districts; educational services commissions; jointure commissions; charter schools; alternative schools; regional day schools; adult high schools; county special services school districts; the Marie H. Katzenbach School for the Deaf; the Department of Human Services; the Department of Children and Families; the Department of Corrections; the Juvenile Justice Commission; public college-operated programs; and approved private schools for the disabled.

(c) District boards of education shall align their curriculum and instructional methodologies to assist all students in achieving the Core Curriculum Content Standards and to prepare all students for college and career.

(d) Progress toward meeting the Core Curriculum Content Standards shall be measured by the Statewide assessment system at grade levels three through eight and 11-12, or if ungraded at equivalent ages, and at other grade(s) deemed appropriate by the Commissioner.

Amended by R.2005 d.213, effective July 5, 2005.

See: 37 N.J.R. 833(a), 37 N.J.R. 2487(a).

In (b), substituted “public college-operated programs,” for “State facilities, organizations,” following “Juvenile Justice Commission”; rewrote (d).

Amended by R.2013 d.144, effective December 16, 2013.

See: 45 N.J.R. 1323(a), 45 N.J.R. 2545(a).

Rewrote (b); in (c), substituted “college and career” for “employment or postsecondary study upon their graduation”; and in (d), substituted “at other grade(s)” for “at any other grades”.

Petition for Rulemaking.

See: 47 N.J.R. 733(a), 913(b), 2310(b).

6A:8-1.3 Definitions

The following words and terms shall have the following meanings when used in this chapter unless the context clearly indicates otherwise.

“Accommodations or modifications to the Statewide assessment system” means changes in testing procedures or formats that provide students with disabilities and English language learners (ELLs) an equitable opportunity to participate in assessment and demonstrate their knowledge and skills in the areas assessed.

“ACTFL” means the American Council on the Teaching of Foreign Languages.

“Adult education assessment test” means a test approved by the United States Department of Education that is used to award a State-issued high school diploma.

“Advanced Placement courses” means courses aligned with course descriptions provided by the College Board and intended to provide students with the opportunity to complete college-level studies during secondary school.

“Advanced proficient” means a student-achieved score at or above the cut score, which demarks a comprehensive and in-depth understanding of the knowledge and skills measured by a content-area component of any State assessment.

“All students” means every student enrolled in public elementary, secondary, and adult high school education programs within the State of New Jersey, including general education students, students with disabilities, and English language learners (ELLs).

“AHSA” means the Alternative High School Assessment, which is an alternative assessment that measures high school competency in selected areas of the Core Curriculum Content Standards.

“Annual measurable objectives” or “AMOs” means the performance targets set by New Jersey in the Elementary and Secondary Education Act (ESEA) flexibility waiver approved by the United States Department of Education.

“APA” means the Alternate Proficiency Assessment used to determine cumulative student achievement of the knowledge and skills specified by the Core Curriculum Content Standards for students with disabilities who are unable to participate in the component of the Statewide assessment for grades three through eight or the HSPA in accordance with N.J.A.C. 6A:14-4.10.

“Approved private schools for the disabled” means incorporated entities approved by the Department according to N.J.A.C. 6A:14-7.2 or 7.3 to provide special education and related services to students with disabilities who have been placed by the district board of education or charter school responsible for providing their education.

“Assessment” means a State-developed or State-approved standardized instrument or process that measures student performance levels on the Core Curriculum Content Standards.

“Career awareness, exploration, and preparation” means instruction and programs that assist students to clarify career goals; explore career possibilities; develop employability skills; develop foundational knowledge necessary for success in the workplace; and make the transition from school to careers, including college, training, and employment.

“Career and technical education” means as defined in N.J.A.C. 6A:19-1.2.

“Charter school” means as defined in N.J.A.C. 6A:11-1.2.

“Chief school administrator” means the superintendent of schools or the administrative principal who works directly with the district board of education if there is no superintendent in the school district.

“CLEP” means College-Level Examination Program, which enables students to receive college credit by earning qualifying scores on examinations that are offered by the College Board and cover material taught in courses most students take as requirements in the first two years of college. A college usually grants the same amount of credit to students earning satisfactory scores on the CLEP examination as it grants to students successfully completing the course.

“Content equivalent” means courses or activities that include the same or equivalent knowledge and skills as found in traditionally titled courses that are required for high school graduation and are aligned with the Core Curriculum Content Standards. The content must be taught by certified teachers, may be integrated in one or more courses, may be titled differently, or may present material in an interdisciplinary or spiral format.

“Core Curriculum Content Standards” or “CCCS” means standards adopted by the State Board of Education on May 1, 1996, and as thereafter revised by the State Board, and the Common Core State Standards adopted by the State Board on June 16, 2010, and as thereafter revised by the State Board, that describe the knowledge and skills all New Jersey students are expected to acquire by benchmark grades in the following areas: English language arts; mathematics; science; social studies; visual and performing arts; comprehensive health and physical education; world languages; technology; and 21st career life and careers. The standards are established for the provision of a thorough and efficient education pursuant to N.J.S.A. 18A:7F-46 and as a basis for the evaluation of school districts in accordance with N.J.A.C. 6A:30-1.4.

“Credit” means the award for the equivalent of a class period of instruction, which meets for a minimum of 40 minutes, one time per week during the school year or as approved through N.J.A.C. 6A:8-5.1(a)2.

“Cut score” means a score on the assessment scales that demarcates the various performance levels (partially proficient, proficient, and advanced proficient).

“ELL” means English language learner, indicating a person who is in the process of acquiring English and has a first language other than English. ELLs sometimes are referred to as limited English proficient (LEP).

“English language development standards” means as defined in N.J.A.C. 6A:15-1.2.

“ESL” means as defined in N.J.A.C. 6A:15-1.2.

“Evaluation,” formerly called “monitoring,” means the process by which the Commissioner or his or her designee evaluates the status of each school district or charter school.

“504 plan” means a written educational plan prepared by the 504 team for a 504 student.

“504 student” means a student who has a physical or mental impairment that substantially limits a major life function; has been determined eligible for services, including accommodations and modifications by the school district’s 504 team; and has a 504 plan.

“504 team” means a group of persons that makes program and placement decisions according to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and 34 CFR § 104.35(c).

“GED” means tests of General Educational Development taken in order to qualify for a State-issued high school diploma.

“Gifted and talented students” means students who possess or demonstrate high levels of ability in one or more content areas when compared to their chronological peers in the local school district and who require modifications of their educational program if they are to achieve in accordance with their capabilities.

“HSPA” means the High School Proficiency Assessment, which is used to determine student achievement of the knowledge and skills specified by the CCCS.

“IEP” means individualized education program as defined in N.J.A.C. 6A:14-1.3.

“IEP team” means as defined in N.J.A.C. 6A:14-1.3.

“Indicator” means statements that further delineate the CCCS.

“Individualized student learning opportunities” means student experiences based upon specific instructional objectives that meet or exceed the CCCS at the high school level. Such opportunities may occur in all CCCS and may include, but are not limited to, independent study; online learning; study-abroad programs; student exchange programs; and structured learning experiences, including, but not limited to, work-based programs, internships, apprenticeships, and service learning experiences. The opportunities shall be based on student interests and career goals.

“Instructional adaptation” means an adjustment or modification to instruction enabling students with disabilities, ELLs, or students in alternative education programs or who are gifted and talented to participate in, benefit from, and/or demonstrate knowledge and application of the CCCS.

“Interdisciplinary connections” means integrating CCCS and skills from one or more content areas into instruction and assessment of another content area.

“Laboratory/inquiry-based science course” means a course in which students are systematically provided with ongoing opportunities to use data drawn from or to interact directly with the natural and designed/engineered world, using tools, data collection techniques, models, and scientific concepts and principles.

“Magnet program” means a distinctive program designed to:

1. Attract students by offering a specialized curriculum based on a special theme or method of instruction; and
2. Substantially strengthen the knowledge of academic subjects and the attainment of tangible and marketable vocational, technological, and professional skills of students attending the program.

“MOPI” means the ACTFL Modified Oral Proficiency Interview, which is a standardized assessment of functional speaking ability often used to test lower proficiency ranges.

“Native language” means the language or mode of communication first learned by the student.

“OPI” means the ACTFL Oral Proficiency Interview, which is a standardized assessment of functional speaking ability currently available in 37 world languages.

“Pacing guide” means a schedule that includes aligned concepts, topics and skills related to a particular curriculum to be addressed over a defined period of time. It is not a prescriptive, lock-step set of lesson plans that impede an educator’s ability to exercise flexibility in meeting students’ learning needs.

“Partially proficient” means a student-achieved score below the cut score, which demarks a solid understanding of the content measured by an individual section of any State assessment.

“Performance level” means one of several categories describing student proficiency with regard to the achievement of the CCCS.

“Personalization” means enabling students to build and strengthen relationships with peers, teachers, other staff members, families, and the community at large through multiple strategies that promote engagement and high expectations based on individual interests and aptitudes, and that are conducive to successful teaching and learning experiences.

“Personalized Student Learning Plan” means a formalized plan and process that involves students setting learning goals based on personal, academic, and career interests, beginning in the middle school grades and continuing throughout high school with the close support of adult mentors, including teachers, counselors, and parents.

“Professional development” means a comprehensive, sustained, and intensive approach to improving the effectiveness

of teachers, principals, and other school personnel in raising student achievement.

“Proficient” means a student-achieved score at or above the cut score, which demarks a solid understanding of the content measured by an individual section of any State assessment.

“QSAC” means the Quality Single Accountability Continuum, which is used pursuant to N.J.A.C. 6A:30 to review and evaluate school district operations.

“Rehabilitation Act” means the Federal Rehabilitation Act of 1973, 29 U.S.C. §§ 701 et seq., as amended in 1992.

“Service learning experience” means a method that allows students or participants to learn and develop through active participation in thoughtfully organized activities that are conducted in and meet the needs of a community, and that help foster civic responsibility. Service learning experiences shall be coordinated with the community and with an elementary or secondary school, institution of higher education, or community-services program; shall be integrated into and enhance the school district’s academic curriculum; and shall provide structured time for students to reflect on the service experience.

“STAMP” means Standards-based Measurement of Proficiency, which is a test that is delivered, graded, and reported online, and that assesses students’ language proficiency from the “Novice-Low” to the “Intermediate-Mid” benchmark levels.

“Standards support materials” means documents published by the Department that include and elaborate on the CCCS for preschool through grade 12 education, and that may assist in the development of local curricula.

“State Board” means the New Jersey State Board of Education.

“State-endorsed diploma” means a locally-issued document awarded to an exiting student indicating successful completion of high school graduation requirements.

“State-issued high school diploma” means a diploma issued by the State of New Jersey.

“Structured learning experience” means as defined in N.J.A.C. 6A:19-1.2.

“Study abroad programs” means programs that enable New Jersey students to attend a high school in another country for a semester or full academic year to acquire academic and cross-cultural skills that will help them live and work in a globally interdependent world.

“Technological literacy” means students meeting CCCS 8.1 Educational Technology, obtained through the integration of effective educational technology practices, strategies, and tools throughout all curricular areas.

“Transcript” means a document for all students exiting the public education system that describes a student’s progress toward achievement of the CCCS and other relevant experiences and achievements.

“Twenty-first century careers” means careers and occupations that have been impacted by technological and global forces and are in an ongoing state of reinvention due to technological advances and e-commerce.

“Twenty-first century themes and skills” means themes such as global awareness; financial, economic, business, and entrepreneurial literacy; civic literacy; health literacy; learning and innovation skills, including creativity and innovation, critical thinking and problem solving, and communication and collaboration; information, media, and technology skills; and life and career skills, including flexibility and adaptability, initiative and self-direction, social and cross-cultural skills, productivity and accountability, and leadership and responsibility.

Amended by R.2002 d.357, effective November 4, 2002.

See: 34 N.J.R. 2916(a), 34 N.J.R. 3804(a).

Rewrote “All students” and “APA”; added “GED”; in “Core Curriculum Content Standards” and “IEP team” amended the N.J.A.C. references.

Amended by R.2003 d.430, effective November 3, 2003.

See: 35 N.J.R. 2551(a), 35 N.J.R. 5077(a).

In “APA”, deleted “Core Curriculum Content Standards for Students with Severe Disabilities and/or the” following “specified by the” and amended the N.J.A.C. reference; in “Core Curriculum Content Standards”, deleted reference to benchmark grades four, eight, and 11-12; deleted “Core Curriculum Content Standards for Students with Severe Disabilities”; in “WIB”, deleted “Governor Christine Todd Whitman’s” preceding “Executive Order”.

Amended by R.2005 d.213, effective July 5, 2005.

See: 37 N.J.R. 833(a), 37 N.J.R. 2487(a).

Rewrote the section.

Amended by R.2006 d.315, effective September 5, 2006.

See: 38 N.J.R. 2253(a), 38 N.J.R. 3530(b).

Updated the N.J.A.C. references in definitions “APA”, “IEP” and “IEP Team”.

Amended by R.2009 d.234, effective July 20, 2009.

See: 41 N.J.R. 1302(a), 41 N.J.R. 2779(c).

In definitions “Accommodations or modifications to the Statewide assessment system” and “All students”, substituted “English language learners (ELLs)” for “students with limited English proficiency”; added definitions “AHSA”, “CLEP”, “Competency Assessment”, “Content equivalent”, “ELL”, “Individualized student learning opportunities”, “Interdisciplinary connections”, “Laboratory/inquiry-based science course”, “Pacing guide”, “Personalization”, “Personalized Student Learning Plan”, “QSAC”, “Service learning experience”, “STAMP”, “Standards support materials”, “State-issued diploma”, “Study abroad programs”, “Twenty-first century careers”, “Twenty-first century skills” and “Twenty-first century themes”; in definition “Credit”, deleted a comma following “week” and inserted “or as approved through N.J.A.C. 6A:8-5.1(a)2”; deleted definitions “Curriculum frameworks”, “LEP”, “LLS” and “SRA”; and in definition “Instructional adaptation”, substituted “ELLS” for “students with limited English proficiency”.

Amended by R.2013 d.144, effective December 16, 2013.

See: 45 N.J.R. 1323(a), 45 N.J.R. 2545(a).

In the introductory paragraph, deleted “, when used in this chapter,” following “terms”, and inserted “when used in this chapter”; added definitions “Adult education assessment test”, “Annual measurable objectives” or “AMOs”, “Career and technical education”, “Indicator”, “Professional development”, and “Technological literacy”; rewrote definitions “Advanced Placement courses”, “Advanced proficient”, “APA”, “Approved private schools for the disabled”, “Career awareness, exploration, and preparation”, “Charter school”, “Chief school admin-

istrator", "CLEP", "Content equivalent", "Core Curriculum Content Standards", "Credit", "ELL", "ESL", "Evaluation", "504 student", "504 team", "Gifted and talented students", "HSPA", "IEP", "Individualized student learning opportunities", "Instructional adaptation", "Interdisciplinary connections", "MOPI", "OPI", "Partially proficient", "Performance level", "Personalization", "Personalized Student Learning Plan", "Proficient", "QSAC", "Service learning experience", "STAMP", "Standards support materials", "State-endorsed diploma", "Structured learning experience", "Study abroad programs", and "Transcript"; deleted definitions "Commissioner", "Competency Assessment", "Cumulative progress indicators", "District boards of education", "ECPA", "Performance assessment", "SETC", "Twenty-first century themes", "Vocational-technical education program", and "WIB"; substituted definition "Cut score" for definition "Cut scores", definition "English language development standards" for definition "English Language Proficiency Standards", definition "IEP team" for definition "IEP Team", definition "State-issued high school diploma" for definition "State-issued diploma", and definition "Twenty-first century themes and skills" for definition "Twenty-first century skills"; and rewrote definitions "Cut scores", "English language development standards", "IEP team", "State-issued high school diploma", and "Twenty-first century themes and skills".

Petition for Rulemaking.

See: 47 N.J.R. 733(a), 913(b), 2310(b).

SUBCHAPTER 2. THE CORE CURRICULUM CONTENT STANDARDS

6A:8-2.1 Authority for educational goals and standards

(a) The State Board of Education is responsible for establishing State educational goals and standards according to P.L. 1990, c. 52, P.L. 1991, c. 3, and P.L. 1991, c. 62.

1. In June 2009, the State Board adopted revised CCCS and associated indicators in visual and performing arts, comprehensive health and physical education, science, technology, 21st century life and careers, and world languages.

2. In September 2009, the State Board adopted revised CCCS and associated indicators in social studies.

3. In June 2010, the State Board adopted revised CCCS and associated indicators reflecting the Common Core State Standards for English language arts and mathematics.

4. The State Board on or before May 2008 initiated a review and readoption process for the CCCS and the Preschool Teaching and Learning Expectations: Standards of Quality. The process will be repeated every five years thereafter, based on recommendations by the Commissioner according to the following procedure:

i. The Commissioner shall convene an advisory panel of public school educators, higher education representatives, business representatives, and other citizens, to review and, if necessary, to recommend modifications to the CCCS and the associated indicators within a scheduled period of time established by the Commissioner.

ii. The Commissioner shall present to the State Board for consideration at a public meeting any recom-

mended revision(s) to the CCCS and the associated indicators.

iii. Advanced notice(s) of the State Board meeting at which the recommended CCCS will be considered shall be published in the New Jersey Register.

iv. The State Board will conduct public hearings on the Commissioner's recommendations at dates, times, and locations announced in the New Jersey Register.

v. Upon State Board adoption, the Commissioner shall publish and distribute to district boards of education and the general public the revised CCCS.

Amended by R.2001 d.182, effective June 4, 2001.

See: 33 N.J.R. 943(a), 33 N.J.R. 1912(a).

In (a), added a new 3, recodified former 3 as 4 and inserted "and the Early Childhood Education Program Expectations: Standards of Quality" following "Disabilities".

Amended by R.2002 d.357, effective November 4, 2002.

See: 34 N.J.R. 2916(a), 34 N.J.R. 3804(a).

Rewrote (a)2.

Amended by R.2005 d.213, effective July 5, 2005.

See: 37 N.J.R. 833(a), 37 N.J.R. 2487(a).

Rewrote the section.

Amended by R.2009 d.234, effective July 20, 2009.

See: 41 N.J.R. 1302(a), 41 N.J.R. 2779(c).

Added new (a)5; recodified former (a)5 as (a)6; and in the introductory paragraph of (a)6, substituted "initiated" for "will initiate".

Amended by R.2013 d.144, effective December 16, 2013.

See: 45 N.J.R. 1323(a), 45 N.J.R. 2545(a).

Rewrote the section.

Public Notice: Public Meeting and Public Hearings—Draft Revisions to the Core Curriculum Content Standards.

See: 46 N.J.R. 883(b), 1719(b).

Public Notice: Public Meeting and Public Hearings—Draft Revisions to the Core Curriculum Content Standards.

See: 48 N.J.R. 337(b).

6A:8-2.2 Authority for the State Plan for Career and Technical Education

(a) The State Board shall serve as required by P.L. 109-270 and designated by N.J.S.A. 18A:59-5 as the sole agency responsible for the administration of the State Plan for Career and Technical Education and the legally constituted State Board for Career and Technical Education.

(b) The State Board will be guided by the CCCS and, particularly, Standard 8: Technology and Standard 9: 21st Century Life and Careers, in developing the State Plan for Career and Technical Education required under P.L. 109-270.

Amended by R.2002 d.357, effective November 4, 2002.

See: 34 N.J.R. 2916(a), 34 N.J.R. 3804(a).

In (a)5vi, amended the N.J.A.C. reference.

Amended by R.2005 d.213, effective July 5, 2005.

See: 37 N.J.R. 833(a), 37 N.J.R. 2487(a).

Rewrote the section.

Amended by R.2013 d.144, effective December 16, 2013.

See: 45 N.J.R. 1323(a), 45 N.J.R. 2545(a).

Section was "Authority for the State Plan for Vocational Education".

Rewrote the section.

6A:8-2.3 (Reserved)

Recodified from N.J.A.C. 6:19-3.1 and amended by R.2001 d.182, effective June 4, 2001.

See: 33 N.J.R. 943(a), 33 N.J.R. 1912(a).

Rewrote the section.

Recodified from N.J.A.C. 6A:8-2.4 and amended by R.2005 d.213, effective July 5, 2005.

See: 37 N.J.R. 833(a), 37 N.J.R. 2487(a).

Rewrote (a); added (b). Former N.J.A.C. 6A:8-2.3, Authority for the registration and related classroom instruction of apprenticeship programs, repealed.

Repealed by R.2009 d.334, effective November 2, 2009.

See: 41 N.J.R. 2530(a), 41 N.J.R. 4077(a).

Section was "Authority for requirement to establish early childhood education programs".

6A:8-2.4 (Reserved)

Recodified to N.J.A.C. 6A:8-2.3 by R.2005 d.213, effective July 5, 2005.

See: 37 N.J.R. 833(a), 37 N.J.R. 2487(a).

Section was "Authority for requirement to establish early childhood education programs".

SUBCHAPTER 3. IMPLEMENTATION OF THE CORE CURRICULUM CONTENT STANDARDS

6A:8-3.1 Curriculum and instruction

(a) District boards of education shall ensure that curriculum and instruction are designed and delivered in such a way that all students are able to demonstrate the knowledge and skills specified by the CCCS and shall ensure that appropriate instructional adaptations are designed and delivered for students with disabilities, for ELLs, for students enrolled in alternative education programs, and for students who are gifted and talented.

1. The Department shall provide district boards of education with Standards support materials that suggest a variety of activities and strategies that may assist in the development of local curricula aligned with the CCCS.

2. District boards of education shall encourage the active involvement of representatives from the community, business, industry, labor, and higher education in the development of educational programs aligned with the CCCS.

3. District boards of education shall be responsible for assessing and publicly reporting on the progress of all students in developing the knowledge and skills specified by the CCCS, including civics, financial literacy, and all content areas not currently included in the Statewide assessment program.

4. District boards of education shall be responsible for developing for all students with disabilities educational programs aligned with the CCCS with appropriate accommodations, instructional adaptations, and/or modifications as determined by the IEP or 504 team.

5. District boards of education shall be responsible for identifying gifted and talented students and shall provide them with appropriate instructional adaptations and services.

i. District boards of education shall make provisions for an ongoing K-12 identification process for gifted and talented students that includes multiple measures.

ii. District boards of education shall provide appropriate kindergarten-through-grade-12 (K-12) educational services for gifted and talented students.

iii. District boards of education shall develop appropriate curricular and instructional modifications used for gifted and talented students indicating content, process, products, and learning environment.

iv. District boards of education shall take into consideration the Pre-K-Grade 12 Gifted Programming Standards of the National Association for Gifted Children in developing programs for gifted and talented students.

6. District boards of education shall actively assist and support professional development for teachers, educational services staff, and school leaders, including their efforts to meet mandatory professional development requirements specified in N.J.A.C. 6A:9C-3.

i. District boards of education shall facilitate the development and implementation by school leaders of professional growth plans aligned with the requirements set forth at N.J.A.C. 6A:9C.

7. District boards of education shall be responsible for developing for ELLs English language assistance programs that are aligned to the CCCS and the English language development standards.

(b) District boards of education shall be responsible for the delivery of educational programs at the elementary and secondary levels using a coherent sequence of activities to prepare all students for college and careers upon their graduation. Examples of such programs include, but are not limited to, academic programs, career and technical education programs, and/or magnet programs.

1. District boards of education shall implement educational programs that prepare all students for success in college and careers, including the kindergarten through grade eight development of academic skills integral to success in high school courses.

2. District boards of education of school districts that include students in at least two of the grades from six through 12 shall develop opportunities for personalization that strengthen relationships among students, teachers, staff members, families, and the larger community for students in grades six through 12.

(c) District boards of education shall be responsible for the review and continuous improvement of curriculum and instruction based upon changes in knowledge, technology, assessment results, and modifications to the CCCS, according to N.J.A.C. 6A:8-2.

1. District boards of education shall include interdisciplinary connections throughout the K-12 curriculum.

2. District boards of education shall integrate into the curriculum 21st century themes and skills.

3. District boards of education shall provide the time and resources to develop, review, and enhance interdisciplinary connections, supportive curricula, and instructional tools for helping students acquire required knowledge and skills. The tools include, but are not limited to:

- i. A pacing guide;
- ii. A list of core instructional materials, including various levels of texts at each grade level;
- iii. Benchmark assessments; and
- iv. Modifications for special education students, for ELLs in accordance with N.J.A.C. 6A:15, for students at risk of school failure, and for gifted students.

(d) District boards of education shall establish procedures whereby any student whose parent or guardian presents to the school principal a signed statement that any or part of the instruction in health, family life education, or sex education is in conflict with his or her conscience or sincerely held moral or religious beliefs shall be excused from that part of the course where such instruction is being given and, pursuant to N.J.S.A. 18A:35-4.7, no penalties shall result.

Amended by R.2002 d.357, effective November 4, 2002.

See: 34 N.J.R. 2916(a), 34 N.J.R. 3804(a).

In (a), added new 3, recodified former 3 and 4 as 4 and 5 with amendments in new 5 and recodified former 5 and 6 as 6 and 7.

Amended by R.2003 d.430, effective November 3, 2003.

See: 35 N.J.R. 2551(a), 35 N.J.R. 5077(a).

In (a), deleted former 4, recodified former 5 as 4 and rewrote the paragraph, and recodified former 6 and 7 as 5 and 6.

Amended by R.2005 d.213, effective July 5, 2005.

See: 37 N.J.R. 833(a), 37 N.J.R. 2487(a).

Rewrote (a); in (b), substituted "vocational-technical education" for "occupational/technical" following "academic programs" in the second sentence.

Amended by R.2009 d.234, effective July 20, 2009.

See: 41 N.J.R. 1302(a), 41 N.J.R. 2779(c).

In the introductory paragraph of (a), substituted "ELLs" for "students with limited English proficiency"; in (a)1, substituted "Standards support materials" for "curriculum frameworks"; in (a)3, inserted "civics, financial literacy, and all"; in the introductory paragraph of (a)6, updated the N.J.A.C. references; added (a)6i and (a)6ii; in (a)7, substituted "ELLs" for "limited English proficient students"; added (b)1 and (b)2; and added (c)1 through (c)3.

Amended by R.2013 d.144, effective December 16, 2013.

See: 45 N.J.R. 1323(a), 45 N.J.R. 2545(a).

Rewrote the section.

Administrative change.

See: 46 N.J.R. 1743(a).

6A:8-3.2 Career education and counseling

(a) The Department shall conduct a pilot project and evaluation of Personalized Student Learning Plans beginning in the 2009-2010 school year.

(b) In fulfillment of the CCCS, district boards of education shall develop and implement a comprehensive and developmental system for the delivery of guidance and academic counseling for all students to facilitate career awareness, exploration, and preparation. The system shall:

1. Be linked to the CCCS;
2. Take into consideration the American School Counselor Association's National Standards for School Counseling Programs;
3. Be infused throughout the K-12 curriculum as appropriate for all students;
4. Be supported by professional development programs;
5. Provide developmental career guidance and academic counseling, linked to the CCCS, designed to:
 - i. Assist students in making and implementing informed educational and career choices, including opportunities to change career focus;
 - ii. Support students' academic attainment, career development, and personal/social development;
 - iii. Develop students' understanding of the relationships among academic attainment, career development, and personal/social development; and
 - iv. Encourage students to create and maintain portfolios consisting of student accomplishments including academic and career-oriented work samples that reflect achievement of the CCCS; and

6. Allow district boards of education to select the delivery format, which may include:

- i. An integrated curriculum that is based on CCCS 9.1 through 9.4 and provides students the opportunity to acquire information about their career interests and/or take advanced courses linked to their career interests; and/or
- ii. Specialized programs that reflect the needs of students and the community.

(c) For students with disabilities beginning at age 14, or younger if determined appropriate by the IEP team, district boards of education shall ensure that career guidance and academic counseling are coordinated with transition services provided in accordance with N.J.A.C. 6A:14-3.7.

(d) District boards of education, in fulfillment of the CCCS, shall develop and implement curriculum and instructional methods that:

1. Include the integration of technological literacy, consistent with the CCCS;

2. Provide all students with an understanding of the career applications of knowledge and skills learned in the classroom; and

3. Provide all students with opportunities to apply knowledge and skills learned in the classroom to real or simulated career challenges.

(e) District boards of education, in fulfillment of the CCCS, shall develop and implement for all students a system of career development activities that:

1. Offers all students the opportunity to more fully explore career interests within one or more of the Career Clusters identified in the Career and Technical Education Programs and Standards rules at N.J.A.C. 6A:19, that are linked to CCCS and measured by the Statewide assessment system according to N.J.A.C. 6A:8-4;

2. Allows district boards of education to select the appropriate format for offering career-development activities based on district resources, community needs, and student interest;

3. Allows district boards of education to select the delivery format that may include:

i. An integrated curriculum, based on the CCCS, that provides students the opportunity to acquire information about their career interests and/or take advanced courses linked to their career interests; or

ii. Specialized programs that reflect the needs of students and the community; and

4. Instills the concept of the need for continuous learning throughout one's life.

(f) District boards of education shall offer all high school students opportunities to more actively explore career interests by participating in structured learning experiences linked to the CCCS.

1. Structured learning experiences should give students opportunities to demonstrate and apply a high level of academic attainment and to develop career and personal/social goals.

2. Interested students may voluntarily select structured learning experiences that are:

i. Co-curricular or extra-curricular activities; and

ii. Taking place within the school district, at a work site, or in the community in accordance with N.J.A.C. 6A:19-6.4.

3. District boards of education shall ensure students participating in school-sponsored, paid, or unpaid external structured learning experiences:

i. Are supervised by school personnel in accordance with N.J.A.C. 6A:9B-11.19 through 11.22; and

ii. Conform to Federal and State law.

Amended by R.2005 d.213, effective July 5, 2005.
See: 37 N.J.R. 833(a), 37 N.J.R. 2487(a).

Rewrote the section.
Amended by R.2009 d.234, effective July 20, 2009.
See: 41 N.J.R. 1302(a), 41 N.J.R. 2779(c).

Added new (a); and recodified former (a) through (d) as (b) through (e).

Amended by R.2013 d.144, effective December 16, 2013.
See: 45 N.J.R. 1323(a), 45 N.J.R. 2545(a).

Rewrote the section.
Administrative change.
See: 46 N.J.R. 1743(a).

6A:8-3.3 Enrollment in college courses

(a) District boards of education, pursuant to N.J.S.A. 18A:61C-1, shall make reasonable efforts to increase the availability of college-level instruction for high school students through courses offered by institutions of higher education at their campuses and in high schools. The credits shall be accepted at all public New Jersey higher education institutions pursuant to N.J.S.A. 18A:61C-8.

(b) District boards of education shall determine the eligibility of students to participate in college courses.

(c) District boards of education and partner colleges shall ensure that college courses offered to high school students are:

1. Equivalent to those offered to regularly admitted college students; and

2. Accepted toward both college degree and high school graduation requirements.

(d) District boards of education and partner colleges shall ensure that college courses for high school students are taught by college faculty with academic rank. Adjunct faculty and members of the district staff who have a minimum of a master's degree may also be included.

Amended by R.2005 d.213, effective July 5, 2005.
See: 37 N.J.R. 833(a), 37 N.J.R. 2487(a).

Rewrote (a); in (c), rewrote 1.
Amended by R.2013 d.144, effective December 16, 2013.
See: 45 N.J.R. 1323(a), 45 N.J.R. 2545(a).

In (a), substituted "The" for "These"; in (c)1, deleted "college courses" following "Equivalent"; and in (c)2, substituted "Accepted" for "College courses accepted".

6A:8-3.4 (Reserved)

New Rule, R.2001 d.182, effective June 4, 2001.

See: 33 N.J.R. 943(a), 33 N.J.R. 1912(a).
Amended by R.2005 d.213, effective July 5, 2005.
See: 37 N.J.R. 833(a), 37 N.J.R. 2487(a).

Rewrote the section.
Repealed by R.2009 d.334, effective November 2, 2009.
See: 41 N.J.R. 2530(a), 41 N.J.R. 4077(a).

Section was "Requirements for early childhood education programs".

SUBCHAPTER 4. IMPLEMENTATION OF THE STATEWIDE ASSESSMENT SYSTEM

6A:8-4.1 Statewide assessment system

(a) The Commissioner, in accordance with N.J.S.A. 18A:7A-10, may implement assessment of student achievement in the State's public schools in any grade(s) and by such assessments as he or she deems appropriate. The Commissioner shall report to the State Board the results of such assessments.

(b) The Commissioner shall implement a system and related schedule of Statewide assessments to evaluate student achievement of the CCCS.

1. The Commissioner, with the approval of the State Board, shall define the scope and level of student performance on Statewide assessments that demonstrate thorough understanding of the knowledge and skills delineated by the CCCS at grade levels three through 12.

2. After consultation with the Commissioner, the State Board shall establish by resolution uniform Statewide criteria defining adequate school district progress toward meeting the CCCS.

(c) District boards of education shall, according to a schedule prescribed by the Commissioner, administer the applicable Statewide assessments, including the six major components: the elementary assessment component for grades three through five; the middle school assessment component for grades six through eight, the HSPA, the AHSA and the APA for students with severe cognitive disabilities.

1. The Department shall implement the elementary component of the Statewide assessment of the CCCS consisting of the following:

i. Continued administration of mathematics and English language arts in grades three, four, and five, and of science in grade four.

2. The Department shall implement the middle school component of the Statewide assessment of the CCCS consisting of the following:

i. Continued administration of mathematics and English language arts in grades six, seven, and eight, and of science in grade eight.

3. The Department shall implement a high school assessment program component of the CCCS that assesses, at a minimum, English language arts, mathematics, and science.

(d) Pursuant to (b) and (c) above, all students at grade levels three through 12, and at any other grade(s) designated by the Commissioner pursuant to (a) above, shall take all appropriate Statewide assessments as scheduled.

1. District boards of education shall provide appropriate accommodations or modifications to the Statewide assessment system as specified by the Department for ELLs and students with disabilities as defined in N.J.A.C. 6A:14-1.3 or eligible under Section 504 of the Rehabilitation Act as determined by the IEP or 504 team.

i. District boards of education may administer the AHSA to ELLs in their native language, when available, and/or English, in conformance with N.J.A.C. 6A:8-5.1(f).

ii. District boards of education shall have the option for a first-year ELL of substituting a Department-approved language proficiency test only for the English language arts section of the elementary or middle school component of the Statewide assessment, when the student has entered the United States after July 1 of the calendar year prior to the test administration.

2. District boards of education shall ensure students with disabilities as defined in N.J.A.C. 6A:14-1.3 participate in Statewide assessments in accordance with N.J.A.C. 6A:14-4.10.

3. At specific times prescribed by the Commissioner, district boards of education shall administer the APA to students with severe disabilities who cannot participate in other assessments due to the severity of their disabilities.

i. The Department shall implement the APA according to the schedules in (c)1, 2, and 3 above.

ii. The APA measures the progress of students who have been determined eligible for the APA by the IEP team in accordance with N.J.A.C. 6A:14-4.10.

4. District boards of education shall administer following the 11th grade the AHSA to all students who have not demonstrated proficiency on one or more sections of the HSPA and/or to corresponding adult high school students. In implementing the AHSA process, district boards of education shall use only assessment instruments and procedures approved by the Commissioner.

(e) District boards of education shall be responsible for ensuring the security of all components of the Statewide assessment system.

Amended by R.2002 d.357, effective November 4, 2002.

See: 34 N.J.R. 2916(a), 34 N.J.R. 3804(a).

Rewrote the section.

Amended by R.2003 d.430, effective November 3, 2003.

See: 35 N.J.R. 2551(a), 35 N.J.R. 5077(a).

In (c), rewrote 1ii and deleted "continued" preceding "administration" in 1iii and (d)3ii deleted "and the Core Curriculum Content Standards for Students with Severe Disabilities".

Amended by R.2005 d.213, effective July 5, 2005.

See: 37 N.J.R. 833(a), 37 N.J.R. 2487(a).

Rewrote the section.

Amended by R.2006 d.315, effective September 5, 2006.

See: 38 N.J.R. 2253(a), 38 N.J.R. 3530(b).

In (d)2 and (d)3ii, updated the N.J.A.C. reference at the end.

Amended by R.2009 d.234, effective July 20, 2009.
See: 41 N.J.R. 1302(a), 41 N.J.R. 2779(c).

In (b)1, substituted "thorough" for "solid" and deleted "eight and 11 through" preceding "12"; rewrote (c); in the introductory paragraph of (d), deleted "eight and 11-" preceding "12"; in (d)1, substituted "ELLs" for "limited English proficient (LEP) students"; in (d)1i, substituted "AHSA" for "SRA" and "ELLs" for "LEP students" and inserted "; when available,"; in (d)1ii, substituted "ELL" for "LEP student" and "middle school" for "grade eight"; and in (d)4, substituted "AHSA" for "SRA" twice and inserted "; and to students failing to demonstrate proficiency on High School Competency Assessments required for graduation".

Amended by R.2013 d.144, effective December 16, 2013.
See: 45 N.J.R. 1323(a), 45 N.J.R. 2545(a).

Rewrote the section.
Petition for Rulemaking.

See: 47 N.J.R. 733(a), 913(b), 2310(b).

Case Notes

Board did not meet its burden of proving unbecoming conduct against a school principal on its charge relating to improprieties in the Special Review Assessments (SRA) process where the principal's reliance on the SRA coordinator in matters concerning certification of staff involved in scoring the tests was not unreasonable, especially where the principal's role in the SRA was not clearly defined in the regulations (adopting 2009 N.J. AGEN LEXIS 126). In re Tenure Hearing of Tracy, OAL Dkt. No. EDU 6213-08, 2009 N.J. AGEN LEXIS 635, Final Decision (April 8, 2009).

6A:8-4.2 Documentation of student achievement

(a) After each test administration, the Department shall provide to chief school administrators the following:

1. Rosters of student performance in each content area;
2. Individual student reports; and
3. School and school district summary data, including school and school district means, numbers tested, and percent achieving at each performance level. The school district summary data shall be aggregated and disaggregated, and school summary data shall be disaggregated, for students with disabilities as defined by N.J.A.C. 6A:14-1.3 and for ELLs.

(b) District boards of education shall transmit within 10 business days any official records, including transcripts, of students who transfer to other school districts or institutions.

(c) District boards of education shall maintain an accurate record of each student's performance on Statewide assessments, including the AHSA.

(d) District boards of education shall maintain for every student a ninth-grade-through-graduation transcript that contains the following, as available:

1. Results of all applicable State assessments, including the AHSA;
2. Results of any English language proficiency assessments according to N.J.A.C. 6A:8-5.1(f)1i;
3. Evidence of instructional experience and performance in the CCCS;

4. Evidence of technological literacy;

5. Evidence of career education instructional experiences and career development activities;

6. Evidence of State-issued occupational licenses and credentials, industry-recognized occupational credentials, and/or technical skill assessments for students enrolled in Department-approved career and technical education programs pursuant to N.J.A.C. 6A:19-3.2; and

7. Any other information deemed appropriate by the district board of education.

Amended by R.2005 d.213, effective July 5, 2005.
See: 37 N.J.R. 833(a), 37 N.J.R. 2487(a).

Rewrote the section.

Amended by R.2009 d.234, effective July 20, 2009.
See: 41 N.J.R. 1302(a), 41 N.J.R. 2779(c).

In (a)3, substituted "are ELLs" for "have limited English proficiency"; in (c), inserted "; including the AHSA,"; and in (d)1, inserted "; including the AHSA".

Amended by R.2013 d.144, effective December 16, 2013.

See: 45 N.J.R. 1323(a), 45 N.J.R. 2545(a).

Rewrote the introductory paragraph of (a), (a)3, (c), the introductory paragraph of (d), and (d)6; in (b), inserted "business", and deleted "those" preceding "students"; in (d)2, substituted "N.J.A.C. 6A:8-5.1(f)1i" for "N.J.A.C. 6A:8-5.1(f)3"; and in (d)3, substituted "CCCS" for "Core Curriculum Content Standards".

6A:8-4.3 Accountability

(a) Chief school administrators shall report preliminary and final results of annual assessments to district boards of education within 60 days of receipt of information from the Department.

(b) District boards of education shall provide parents, students, and citizens with the results of annual assessments according to N.J.A.C. 6A:8-4.2.

(c) District boards of education shall provide appropriate instruction to improve skills and knowledge for students performing below the established levels of student proficiency in any content area either on the Statewide or local assessments.

(d) All students shall be expected to demonstrate the knowledge and skills of the CCCS as measured by the Statewide assessment system.

Amended by R.2009 d.234, effective July 20, 2009.
See: 41 N.J.R. 1302(a), 41 N.J.R. 2779(c).

In (a), substituted "preliminary and final" for "the".

Amended by R.2013 d.144, effective December 16, 2013.

See: 45 N.J.R. 1323(a), 45 N.J.R. 2545(a).

In (a), substituted "60" for "30" and deleted "of Education" following "Department"; and in (d), substituted "CCCS" for "Core Curriculum Content Standards".

6A:8-4.4 Annual review and evaluation of school districts

The Department shall review the performance of schools and school districts by using a percent of students performing at the proficient level as one measure of AMO and

incorporating a progress criterion indicative of systemic reform. The review shall include the performance of all students, including students with disabilities as defined by N.J.A.C. 6A:14-1.3, students from major racial and ethnic groups, economically disadvantaged students, and ELLs. The review shall take place at each grade level in which Statewide assessments are administered, using the AMO targets.

Amended by R.2002 d.357, effective November 4, 2002.
See: 34 N.J.R. 2916(a), 34 N.J.R. 3804(a).

Rewrote (a); in (b), substituted "8" for "6" preceding "above" in the introductory paragraph; in (c), substituted "8" for "6" preceding "above" in 1.

Amended by R.2003 d.430, effective November 3, 2003.
See: 35 N.J.R. 2551(a), 35 N.J.R. 5077(a).

Rewrote (a); in (b), substituted "3" for "8" preceding "above" in the introductory paragraph; in (c), substituted "3" for "8" preceding "above" in 1 and deleted 2.

Amended by R.2005 d.213, effective July 5, 2005.
See: 37 N.J.R. 833(a), 37 N.J.R. 2487(a).

Rewrote the section.

Amended by R.2009 d.234, effective July 20, 2009.
See: 41 N.J.R. 1302(a), 41 N.J.R. 2779(c).

In the introductory paragraph of (a), deleted "as defined in (a)1iv, 2iv, and 3iv below" following "reform", substituted "ELLs" for "students who have limited English proficiency" and "Adequate Yearly Progress Targets, as found in the chapter Appendix, incorporated herein by reference" for "following criteria"; deleted (a)1 through (a)4; and in the introductory paragraph of (b), substituted "the Adequate Yearly Progress Targets, as found in the chapter Appendix" for "(a)1 through 3 above".

Amended by R.2013 d.144, effective December 16, 2013.
See: 45 N.J.R. 1323(a), 45 N.J.R. 2545(a).

Rewrote the section.

6A:8-4.5 Public reporting

(a) The Department shall report annually to the State Board and the public on the progress of all students and student subgroups in meeting the CCCS as measured by the Statewide assessment system by publishing and distributing the Department's annual New Jersey School Report Card in accordance with N.J.S.A. 18A:7E-2 through 5.

(b) After each test administration, the Department shall report to district boards of education on the performance of all students and of student subgroups.

(c) The Department shall report performance on the APA with the same frequency and in the same detail as it reports on other Statewide assessments, including school and school district means, and the number and percentage of participating students.

(d) In public reporting of school and district performance data, the Department shall not compromise the confidentiality of individual students.

Amended by R.2002 d.357, effective November 4, 2002.
See: 34 N.J.R. 2916(a), 34 N.J.R. 3804(a).

In (c), substituted "2002" for "2001".

Amended by R.2005 d.213, effective July 5, 2005.
See: 37 N.J.R. 833(a), 37 N.J.R. 2487(a).

Rewrote the section.

Amended by R.2009 d.234, effective July 20, 2009.
See: 41 N.J.R. 1302(a), 41 N.J.R. 2779(c).

In (d), deleted "only publicly report summary performance data if doing so would" following "shall" and inserted ", in public reporting of school and district performance data,".

Amended by R.2013 d.144, effective December 16, 2013.

See: 45 N.J.R. 1323(a), 45 N.J.R. 2545(a).

Rewrote the section.

SUBCHAPTER 5. IMPLEMENTATION OF GRADUATION REQUIREMENTS

6A:8-5.1 Graduation requirements

(a) For a State-endorsed diploma, district boards of education shall develop, adopt, and implement local graduation requirements that prepare students for success in post-secondary degree programs, careers, and civic life in the 21st century, and that include the following:

1. Participation in a local program of study of not fewer than 120 credits in courses designed to meet all of the CCCS, including, but not limited to, the following credits:

i. At least 20 credits in English language arts, aligned to grade nine through 12 standards, effective with the 2009-2010 grade nine class;

ii. At least 15 credits in mathematics, including algebra I or the content equivalent effective with the 2008-2009 grade nine class; geometry or the content equivalent effective with the 2010-2011 grade nine class; and a third year of mathematics that builds on the concepts and skills of algebra and geometry and that prepares students for college and 21st century careers effective with the 2012-2013 grade nine class;

iii. At least 15 credits in science, including at least five credits in laboratory biology/life science or the content equivalent effective with the 2008-2009 grade nine class; one additional laboratory/inquiry-based science course, which shall include chemistry, environmental science, or physics effective with 2010-2011 grade nine class; and one additional laboratory/inquiry-based science course effective with 2012-2013 grade nine class;

iv. At least 15 credits in social studies, including satisfaction of N.J.S.A. 18A:35-1 and 2; five credits in world history; and the integration of civics, economics, geography and global content in all course offerings;

v. At least 2.5 credits in financial, economic, business, and entrepreneurial literacy, effective with 2010-2011 grade nine class;

vi. At least 3 3/4 credits in health, safety, and physical education during each year of enrollment, distributed as 150 minutes per week, as required by N.J.S.A. 18A:35-5, 7 and 8;

vii. At least five credits in visual and performing arts;

viii. At least five credits in world languages or student demonstration of proficiency as set forth in (a)2ii(2) below;

ix. Technological literacy, consistent with the CCCS, integrated throughout the curriculum; and

x. At least five credits in 21st century life and careers, or career-technical education;

2. The 120-credit requirement set forth in (a)1 above may be met in whole or in part through program completion of a range of experiences that enable students to pursue a variety of individualized learning opportunities, as follows:

i. District boards of education shall establish a process to approve individualized student learning opportunities that meet or exceed the CCCS.

(1) Individualized student learning opportunities in all CCCS areas include, but are not limited to, the following:

- (A) Independent study;
- (B) Online learning;
- (C) Study abroad programs;
- (D) Student exchange programs; and
- (E) Structured learning experiences, including, but not limited to, work-based programs, internships, apprenticeships, and service learning experiences.

(2) Individualized student learning opportunities based upon specific instructional objectives aimed at meeting or exceeding the CCCS shall:

- (A) Be based on student interest and career goals as reflected in the Personalized Student Learning Plans;
- (B) Include demonstration of student competency;
- (C) Be certified for completion based on the district process adopted according to (a)2ii below; and
- (D) Be on file in the school district and subject to review by the Commissioner or his or her designee.

(3) Group programs based upon specific instructional objectives aimed at meeting or exceeding the CCCS shall be permitted under this section and shall be approved in the same manner as other approved courses.

ii. District boards of education shall establish a process for granting of credits through successful completion of assessments that verify student achievement in meeting or exceeding the CCCS at the high school level,

including standards achieved by means of the individualized student learning opportunities enumerated at (a)2 above. Such programs or assessments may occur all or in part prior to a student's high school enrollment; no such locally administered assessments shall preclude or exempt student participation in applicable Statewide assessments at grades three through 12.

(1) District boards of education shall choose assessments that are aligned with or exceed the CCCS and may include locally designed assessments.

(2) District boards of education shall choose from among the following assessment options to determine if students have achieved the level of language proficiency designated as Novice-High as defined by the ACTFL and recognized as fulfilling the world languages requirement of the CCCS:

- (A) The STAMP online assessment;
- (B) The OPI or MOPI; or
- (C) Department-approved locally designed competency-based assessments;

iii. District boards of education shall establish a process to approve post-secondary learning opportunities that may consist of Advanced Placement (AP) courses, CLEP, or concurrent/dual enrollment at accredited higher education institutions.

(1) District boards of education shall award credit for successful completion of an approved, accredited college course that assures achievement of knowledge and skills that meets or exceeds the CCCS.

3. Local student attendance requirements;

4. Any other requirements established by the district board of education;

5. Any statutorily mandated requirements for earning a high school diploma; and

6. The requirement that all students demonstrate proficiency in all sections of the HSPA or AHSA process applicable to the class graduating in the year they meet all other graduation requirements, based on a schedule prescribed by the Commissioner in accordance with N.J.A.C. 6A:8-4.1(b) through (d).

7. Students graduating from an adult high school shall demonstrate proficiency in all sections of the HSPA or designated AHSA process for any subject(s) not yet passed on a previously approved Statewide assessment required for graduation.

(b) In the development of Personalized Student Learning Plans according to N.J.A.C. 6A:8-3.2(a), district boards of education shall actively encourage all students who have otherwise met the requirements for high school graduation according to (a)1 through 3 above, to include in their programs of study the following additional credits:

1. Five credits in mathematics during each year of enrollment, aimed at preparation for entrance into post-secondary programs or 21st century careers;

2. Five credits in a laboratory science during each year of enrollment, aimed at preparation for entrance into post-secondary programs or 21st century careers;

3. Five credits in social studies during each year of enrollment, aimed at preparation for entrance into post-secondary programs or 21st century careers; and

4. Five credits in world languages during each year of enrollment, aimed at preparation for entrance into post-secondary programs or 21st century careers.

(c) Through the IEP process and pursuant to N.J.A.C. 6A:14-4.11, district boards of education may specify alternate requirements for a State-endorsed diploma for individual students with disabilities as defined in N.J.A.C. 6A:14-1.3.

1. District boards of education shall specifically address any alternate requirements for graduation in a student's IEP, in accordance with N.J.A.C. 6A:14-4.11.

2. District boards of education shall develop and implement procedures for assessing whether a student has met the specified alternate requirements for graduation individually determined in an IEP.

(d) District boards of education shall provide to the executive county superintendent their graduation requirements each year they are evaluated through QSAC and update the filed copy each time their graduation policies are revised.

(e) District boards of education shall provide each student entering high school and his or her parents or legal guardians with a copy of the district board of education's requirements for a State-endorsed diploma and the programs available to assist students in attaining a State-endorsed diploma, in accordance with N.J.S.A. 18A:7C-5.

(f) District boards of education shall provide students who have not demonstrated proficiency on one or more sections of the HSPA following the 11th grade with the opportunity to demonstrate such competence through both repeated administrations of the HSPA and the AHSA process.

1. All ELLs shall satisfy the requirements for high school graduation, except ELLs may demonstrate they have attained State minimum levels of proficiency through:

i. Passage of the AHSA process in their native language, when available, and passage of a Department-approved English fluency assessment; or

ii. Passage of the AHSA process in English with appropriate accommodations.

2. Students with disabilities as defined in N.J.A.C. 6A:14-1.3 or eligible under Section 504 of the Rehabilitation Act and who participate in the AHSA process are

not required to participate in repeated administrations of the HSPA.

Amended by R.2001 d.145, effective May 7, 2001.

See: 33 N.J.R. 398(a), 33 N.J.R. 1471(a).

Rewrote (a)6.

Amended by R.2002 d.357, effective November 4, 2002.

See: 34 N.J.R. 2916(a), 34 N.J.R. 3804(a).

In (a), substituted "2003-2004" for "2001-2002" in 1i(7), rewrote 5, added new 6 and recodified former 6 as 7; rewrote (f)4; added (g)4.

Amended by R.2003 d.430, effective November 3, 2003.

See: 35 N.J.R. 2551(a), 35 N.J.R. 5077(a).

In (a), substituted "2004-2005" for "2003-2004" preceding "grade nine class" in 1i(7).

Amended by R.2004 d.56, effective February 2, 2004.

See: 35 N.J.R. 4165(a), 36 N.J.R. 662(b).

Rewrote (a).

Amended by R.2005 d.213, effective July 5, 2005.

See: 37 N.J.R. 833(a), 37 N.J.R. 2487(a).

Rewrote the section.

Amended by R.2006 d.315, effective September 5, 2006.

See: 38 N.J.R. 2253(a), 38 N.J.R. 3530(b).

In the introductory paragraph of (c), updated the first N.J.A.C. reference; in (c)1, updated the N.J.A.C. reference.

Amended by R.2009 d.234, effective July 20, 2009.

See: 41 N.J.R. 1302(a), 41 N.J.R. 2779(c).

Rewrote the section.

Amended by R.2013 d.144, effective December 16, 2013.

See: 45 N.J.R. 1323(a), 45 N.J.R. 2545(a).

Rewrote the section.

Case Notes

Mother of a 22-year-old disabled student who had brain trauma failed to show that the student should not have received a diploma by virtue of credits earned or by virtue of the quality of the credits earned. She was not entitled to relief in the form of compensatory education where the record demonstrated that the district provided the student with a FAPE. *W.G. ex rel. M.P. v. Monclair Bd. of Educ.*, OAL Dkt. No. EDS 1520-09, 2010 N.J. AGEN LEXIS 353, Final Decision (June 30, 2010).

Remand was necessary in order to determine whether a 16-year-old who relocated from Venezuela to New Jersey was eligible to enroll as a senior in high school or whether her high school diploma earned in Venezuela relieved the district from providing further education; there needed to be a fact-specific determination of whether the student's credential from Venezuela was equivalent to a New Jersey State-endorsed high school diploma. On remand, the student's parents were responsible for developing a record pertaining to her Venezuelan education, while the Board was responsible for presenting a thorough assessment of such facts in relation to the goals and requirements for graduation from the New Jersey public schools, together with opposing facts as it deemed appropriate; whereupon — if the Board concluded that the student was not entitled to a free public education because the credential was, in fact, equivalent to a New Jersey State-endorsed diploma — the parents bore the burden of demonstrating, by a preponderance of the competent and credible evidence, that the Board's assessment was arbitrary, capricious, unreasonable, or otherwise contrary to law. *B.A. ex rel. M.A.A. v. Bd. of Educ. of Somerville*, OAL Dkt. No. EDU 8740-07, 2009 N.J. AGEN LEXIS 730, Remand Decision (June 22, 2009).

Board of education was not ordered to grant a high school diploma to student who suffered from irritable bowel syndrome (IBS) where he had not received the required 130 credit hours for his senior year. As a result of his IBS, the student had been exempted from the maximum unexcused absence policy at his high school for his freshman, sophomore and junior years. However, his IEP made it clear that he was not exempted for his senior year notwithstanding student's testimony that his absences, estimated at between 50 and 60, should have been excused if he had provided an appropriate doctor's note. *B.M. et al v. Jackson Township Bd. of Educ.*, OAL Dkt. No. EDS 4717-08, 2008 N.J. AGEN LEXIS 489, Emergent Relief Decision (June 18, 2008).

Initial Decision (2007 N.J. AGEN LEXIS 993) adopted, which concluded that State law expressly contemplates that public school districts — including State-operated districts — may set and enforce local graduation requirements over and above the State-mandated minimum; where a student lacked the requisite number of credits to graduate from the Jersey City School District, there was no basis on which the District could grant her a high school diploma based solely on completion of the lesser number of credits required for graduation from the student's school district of prior attendance. *Dowling v. State-Operated School Dist. of Jersey City*, OAL Dkt. No. EDU 7848-07, 2008 N.J. AGEN LEXIS 262, Commissioner's Decision (February 5, 2008).

6A:8-5.2 High school diplomas

(a) District boards of education shall award a State-endorsed high school diploma to prospective graduates who have met all of the requirements adopted in accordance with N.J.A.C. 6A:8-5.1(a) or (c), or (d) below.

(b) District boards of education shall not issue a high school diploma to any student not meeting the criteria specified in the rule provisions referenced in (a) above.

1. District boards of education shall provide students exiting grade 12 without a diploma the opportunity for continued high school enrollment to age 20 or until the requirements for a State-endorsed diploma have been met, whichever comes first.

2. District boards of education shall allow any out-of-school individual to age 20 who has otherwise met all State and local graduation requirements but has failed to pass the HSPA to return to school at scheduled times for the purpose of taking the necessary test. Upon certification of passing the test applicable to the student's class in concordance with this chapter, a State-endorsed diploma shall be granted by the high school of record.

(c) Pursuant to N.J.A.C. 6A:20-1.4, the Commissioner shall award a State-issued high school diploma based on achieving the Statewide standard score on the General Education Development test (GED) or other adult education assessments to individuals age 16 or older who are no longer enrolled in school and have not achieved a high school credential.

(d) The Commissioner shall award a State-issued high school diploma to individuals age 16 or older and no longer enrolled in high school based on official transcripts showing at least 30 general education credits leading to a degree at an accredited institution of higher education. Included in the 30 general education credits must be a minimum of 15 credits with at least three credits in each of the five general education categories as follows: English; mathematics; science; social science; and the humanities.

(e) District boards of education shall award a State-endorsed high school diploma to any currently enrolled student who:

1. Has performed at a proficient or advanced proficient level of achievement in all sections of the HSPA or applicable High School Competency Assessments;

2. Has presented official transcripts showing at least 30 general education credits leading to a degree at an accredited institution of higher education; and

3. Has formally requested such early award of a State-endorsed high school diploma.

(f) Pursuant to N.J.S.A. 18A:7C-7 and 18A:7E-3, the chief school administrator or lead person of a charter school shall report annually to the district board of education or the charter school board of trustees at a public meeting not later than September 30, and to the Commissioner:

1. The total number of students graduated;

2. The number of students graduated under the AHSA process;

3. The number of students receiving State-endorsed high school diplomas as a result of meeting any alternate requirements for graduation as specified in their IEPs;

4. The total number of students denied graduation from the 12th grade class; and

5. The number of students denied graduation from the 12th grade class solely because of failure to pass the HSPA or AHSA, based on the provisions of this chapter.

Amended by R.2009 d.234, effective July 20, 2009.

See: 41 N.J.R. 1302(a), 41 N.J.R. 2779(c).

In (b)2, inserted "or applicable Competency Assessments" and updated the N.J.A.C. reference; in (c), substituted "State-issued" for "State-endorsed"; added new (d); recodified former (d) and (e) as (e) and (f); in the introductory paragraph of (e), substituted "District" for "Starting in the 2002-2003 academic year, district" and "currently enrolled student" for "individual"; in (e)1, inserted "or applicable High School Competency Assessments"; in (e)3, deleted "if a student currently enrolled in a public school," following "Has"; and in (f)2, substituted "AHSA" for "SRA".

Amended by R.2013 d.144, effective December 16, 2013.

See: 45 N.J.R. 1323(a), 45 N.J.R. 2545(a).

In (a), substituted "or" for "5.1"; in (b)1, deleted a comma following "20"; in (b)2, deleted "or applicable Competency Assessments" following "HSPA", substituted "this chapter" for "N.J.A.C. 6A:8-5.1(a)8" and "shall" for "will" following "diploma"; rewrote (c) and the introductory paragraph of (f); and in (f)5, substituted "AHSA" for "SRA" and "this chapter" for "N.J.A.C. 6A:8-5.1(a)3".

Case Notes

Adult student did not establish that he was entitled to an emergency order requiring a board of education to permit him to graduate from a high school located in its district. Since N.J.A.C. 6A:8-5.2 prohibited a board of education from issuing a diploma to any student who did not meet all of the applicable criteria for a diploma, the student's failure to meet credit and curriculum requirements meant that no diploma was properly issued to him. Moreover, the student's failure to show that he was entitled to a diploma foreclosed a grant of emergency relief under N.J.A.C. 6A:3-1.6(b). *Stockman v. Bd. of Educ. of Monmouth Reg'l High Sch. Dist., Monmouth Cnty.*, OAL Dkt. No. EDU 8901-13, AGENCY Dkt. No. 145-6/13, 2013 N.J. AGEN LEXIS 182, Initial Decision (June 28, 2013).

Initial Decision (2007 N.J. AGEN LEXIS 993) adopted, which concluded that State law expressly contemplates that public school districts — including State-operated districts — may set and enforce local graduation requirements over and above the State-mandated minimum; where a student lacked the requisite number of credits to graduate from the Jersey City School District, there was no basis on which the District

could grant her a high school diploma based solely on completion of the lesser number of credits required for graduation from the student's school district of prior attendance. Dowling v. State-Operated School Dist. of Jersey City, OAL Dkt. No. EDU 7848-07, 2008 N.J. AGEN LEXIS 262, Commissioner's Decision (February 5, 2008).

APPENDIX**(RESERVED)**

Repealed by R.2013 d.144, effective December 16, 2013.
See: 45 N.J.R. 1323(a), 45 N.J.R. 2545(a).
Section was "AYP Targets".