

CHAPTER 39 EVALUATION

Authority

18A:4-15, 18A:4-24 and 18A:7A-1 et seq.

Source and Effective Date

R.1994 d.335, effective June 9, 1994.
See: 26 N.J.R. 1423(a), 26 N.J.R. 2788(a).

Chapter Expiration Date

Pursuant to Executive Order No. 22(1994), Chapter 39, Evaluation, expires on December 9, 2000. See: 26 N.J.R. 3783(a) and 3942(a).

Chapter Historical Note

Chapter 39, Evaluation, was filed and became effective on March 13, 1973 as R.1973 d.72. Amendments were filed and became effective November 12, 1974 as R.1974 d.304. See: 6 N.J.R. 388(b), 6 N.J.R. 470(b). Further amendments were filed and became effective May 16, 1975 as R.1975 d.122. See: 7 N.J.R. 140(b), 7 N.J.R. 251(a). 6:39-1.4 was adopted as R.1977 d.198, effective June 1, 1977. See: 9 N.J.R. 309(a). Further amendments were filed and became effective May 12, 1978 as R.1978 d.146. See: 10 N.J.R. 97(a), 10 N.J.R. 227(a). Additional amendments were filed and became effective on November 9, 1979 as R.1979 d.443. See: 11 N.J.R. 499(b), 11 N.J.R. 615(a). Further amendments were filed and became effective August 7, 1980 as R.1980 d.352. See: 12 N.J.R. 389(a), 12 N.J.R. 505(b). Further amendments were filed and became effective October 17, 1983 as R.1983 d.458. See: 15 N.J.R. 979(b), 15 N.J.R. 1759(b). Pursuant to Executive Order 66, Chapter 39 was readopted effective October 18, 1984 as R.1984 d.505. See: 16 N.J.R. 1852(a), 16 N.J.R. 3009(a). Pursuant to Executive Order No. 66(1978), Chapter 39 was readopted as R.1989 d.479, effective August 14, 1989. See: 21 N.J.R. 1605(a), 21 N.J.R. 2786(a).

Pursuant to Executive Order No. 66(1978), Chapter 39 was readopted as R.1994 d.335. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. STATEWIDE ASSESSMENT

6:39-1.1 Authority of the Commissioner

(a) The Commissioner of Education, with the approval of the State Board of Education, shall conduct an assessment of pupil achievement in the public school system of the State and of any grades therein by such means, tests and examinations which he or she deems proper, and shall report to the State Board the results of such inquiries and such other information with regard thereto as the State Board may require.

(b) All such means, tests, if determined to be appropriate by the Commissioner, and examinations to be administered pursuant to this section shall be conducted by all operating school districts in New Jersey and shall meet State criteria.

(c) School districts shall conduct such means, tests, and examinations in the manner and at the times prescribed by the Commissioner.

(d) School districts shall report to the Department of Education the results of such means, tests, and examinations in the manner and at the times prescribed by the Commissioner.

Amended by R.1983 d.458, effective October 17, 1983.

See: 15 N.J.R. 979(b), 15 N.J.R. 1759(b).

In (b), added "and shall meet State criteria" also added (d).

Amended by R.1984 d.505, eff. November 5, 1984.

See: 16 N.J.R. 1852(a), 16 N.J.R. 3009(a).

Changed "him/her" to "he or she".

Amended by R.1989 d.240, effective May 1, 1989.

See: 2 N.J.R. 235(a), 21 N.J.R. 1134(a).

"Commissioner" made uppercase; word "rule" changed to "section".

Amended by R.1989 d.479, effective September 5, 1989.

See: 21 N.J.R. 1605(a), 21 N.J.R. 2786(a).

Deletion of phrase "and in" in (b).

Case Notes

Dissemination of testing results. *Chappell v. Comm. of Ed.*, 135 N.J. Super. 565, 343 A.2d 811 (App.Div.1975) certification denied 69 N.J. 84, 351 A.2d 12.

6:39-1.2 Levels of pupil proficiency

(a) The State Board of Education, after consultation with the Commissioner, shall establish uniform Statewide levels of pupil proficiency in reading, writing and mathematics skills on the Statewide assessment instruments pursuant to N.J.S.A. 18A:7A-6 and for assessments in those grades required for district certification.

(b) For other grades that are not administered the Statewide assessment instruments and are not considered for district certification, the Department of Education shall establish equivalent standards of pupil proficiency on tests which meet State criteria and measure performance in reading, writing and mathematics skills.

(c) All pupils performing below the established levels of pupil proficiency in reading, writing and mathematics skills, as determined by (a) and (b) above, shall be provided appropriate instructional services according to the district's basic skills improvement plan, pursuant to N.J.S.A. 18A:7A-6.

1. A waiver of this requirement may be granted if the program of needs assessment conducted pursuant to N.J.A.C. 6:8-7.1(b)1 and 4 clearly demonstrates such enrollment is unnecessary as certified by the chief school administrator.

Amended by R.1975 d.122, effective May 16, 1975.

See: 7 N.J.R. 140(b), 7 N.J.R. 251(a).

Amended by R.1977 d.27, effective February 2, 1977.

See: 9 N.J.R. 114(b).

Amended by R.1983 d.458, effective October 17, 1983.

See: 15 N.J.R. 979(b), 15 N.J.R. 1759(b).

Basic communication and computational skills deleted and reading, writing and mathematics skills added.

Amended by R.1984 d.505, effective November 5, 1984.

See: 16 N.J.R. 1852(a), 16 N.J.R. 3009(a).

Amended by R.1989 d.240, effective May 1, 1989.

See: 21 N.J.R. 235(a), 21 N.J.R. 1134(a).

Retitled; formerly titled "Levels of pupil proficiency".

Amended by R.1989 d.479, effective September 5, 1989.

See: 21 N.J.R. 1605(a), 21 N.J.R. 2786(a).

Title changed and references made to establishing criteria for those schools not considered for district certification.

Administrative Correction to (a).

See: 22 N.J.R. 366(b).

6:39-1.3 Core course proficiencies assessment

(a) The specific methods and standards for annually assessing student mastery of course proficiencies, as mandated by N.J.A.C. 6:8-7.1(c), shall be the responsibility of each local school district.

(b) The Department of Education shall assist school districts in identifying and/or developing school district assessment techniques and instruments through curriculum panels, prepared assessment material, and regional training activities. The Department shall also identify those school districts that have effective assessment programs which can serve as models.

(c) A pupil with an educational disability must meet all State and local high school graduation requirements unless exempted in his or her individualized education program in order to receive a State-endorsed high school diploma pursuant to the provisions established under N.J.A.C. 6:28.

New Rule: R.1989 d.240, effective May 1, 1989.

See: 21 N.J.R. 235(a), 21 N.J.R. 1134(a).

Amended by R.1991 d.402, effective August 5, 1991.

See: 23 N.J.R. 1244(a), 23 N.J.R. 2331(a).

Established that students with educational disabilities may be exempt from certain graduation requirements.

Amended by R.1994 d.335, effective July 5, 1994.

See: 26 N.J.R. 1423(a), 26 N.J.R. 2788(a).

Cross References

Graduation requirements, exemption of handicapped pupils, see N.J.A.C. 6:8-7.1(a)4.

6:39-1.4 Dissemination of information

(a) Dissemination of information procedures relative to basic skills proficiency in reading, writing, and mathematics as measured by the High School Proficiency Test (HSPT) and the Early Warning Test (EWT) shall be as follows:

1. Notwithstanding the provisions of N.J.A.C. 6:3-2, individual pupil data shall be released only to a pupil, his or her parent or legal guardian, and school personnel and school officials deemed appropriate by the Commissioner.

2. The Department of Education shall produce and distribute to chief school administrators uninterpreted reports, such as rosters of pupil performance and other reports as deemed appropriate by the Commissioner.

3. Rosters of pupil performance for tests developed by the Department of Education shall be distributed to chief school administrators, as indicated in (a)2 above, in such a manner as to provide a 30-day interpretation period prior to reporting to the district board of education and to the public. Following this 30-day period, the Commissioner shall make available to the public reports about each district which at a minimum shall list the number of pupils tested and percentage of pupils at or above the established levels of pupil proficiency:

i. By grade and by test for tests developed by the Department; and

ii. By grade for certain other tests administered by each district, as deemed appropriate by the Commissioner.

4. The Department of Education shall provide an interpreted State report to the State Board of Education.

5. At the time the Commissioner makes available to the public the information stated in (a)3 above, all districts shall make available to the public the number of pupils tested and the percentage of pupils at or above the established levels of pupil proficiency for each school and for the district, by grade and by test.

6. Summary reports for the class(es), school(s), and district shall be distributed to chief school administrators, as indicated in (a)2 above, in such a manner as to provide a 45-day period, from receipt of all reports for the analysis of data. During this period such material shall not be available for public distribution.

7. Upon completion of the analysis, as indicated in (a)6 above, but in no case later than the 45-day period established by the Commissioner, and upon approval by the district board of education, summary reports for class(es), school(s), and district shall be made available to the public.

8. Individual pupil reports for tests developed by the Department of Education shall be returned to districts in duplicate for all pupils tested. One copy of the report shall be maintained with the pupil's permanent records, and one copy shall be made available to the pupil and his or her parent or legal guardian in a timely fashion.

(b) The Commissioner of Education may make exceptions to the dissemination of information requirements contained in (a) above when:

1. The need for a school district to make substantial revisions to the uninterpreted report described in (a)2 above requires an extension of the 30-day interpretation period specified in (a)3 above. The extension may be up to but may not exceed an additional 30 days; and

2. The need for a school district to make substantial revisions to the summary report described in (a)7 above requires an extension of the 45 day period specified in (a)6 above. The extension may be up to but may not exceed an additional 45 days.

Amended by R.1974 d.304, effective November 12, 1974.

See: 6 N.J.R. 388(b), 6 N.J.R. 470(b).

Amended by R.1975 d.122, effective May 16, 1975.

See: 7 N.J.R. 140(b), 7 N.J.R. 251(a).

Amended by R.1980 d.352, effective August 7, 1980.

See: 12 N.J.R. 389(a), 12 N.J.R. 505(b).

Amended by R.1983 d.458, effective October 17, 1983.

See: 15 N.J.R. 979(b), 15 N.J.R. 1759(b).

In (b) deleted standards and summary reports and added rosters of pupil performance and other reports as deemed by the commissioner. Old (d) deleted and old (c)-(j) recodified as (d)-(i). In (g), minimum standards reports deleted and rosters of pupil performance added. Amended by R.1984 d.505, effective November 5, 1984.

See: 16 N.J.R. 1852(a), 16 N.J.R. 3009(a).

"or provisions" added.

Amended by R.1989 d.240, effective May 1, 1989.

See: 21 N.J.R. 235(a), 21 N.J.R. 1134(a).

Section was recodified from 6:39-1.3 to 1.4 and significantly recodified within the section adding a new subsection (b) regarding core course proficiencies.

Amended by R.1989 d.479, effective September 5, 1989.

See: 21 N.J.R. 1605(a), 21 N.J.R. 2786(a).

Deleted reference to test developed by Department in (a)2.

Amended by R.1991 d.402, effective August 5, 1991.

See: 23 N.J.R. 1244(a), 23 N.J.R. 2331(a).

Reference to the "Early Warning Test" added at (a).

Amended by R.1994 d.335, effective July 5, 1994.

See: 26 N.J.R. 1423(a), 26 N.J.R. 2788(a).

Case Notes

Dissemination of testing results. *Chappell v. Comm. of Ed.*, 135 N.J. Super. 565, 343 A.2d 811 (App.Div.1975) certification denied 69 N.J. 84, 351 A.2d 12.

6:39-1.5 Interpretation of data

(a) The Department of Education will provide technical assistance in the development of essential interpretative material by local districts.

(b) The Department of Education may provide interpretations for local, county and State use.

(c) All results which are made available to the public must be accompanied by interpretative materials.

R.1977 d.198, effective June 1, 1977.

See: 9 N.J.R. 309(a).

Amended by R.1980 d.352, effective August 7, 1980.

See: 12 N.J.R. 389(a), 12 N.J.R. 505(b).

Amended by R.1983 d.458, effective October 17, 1983.

See: 15 N.J.R. 979(b), 15 N.J.R. 1759(b).

Deleted old (a)-(b) and recodified old (c)-(d) as (a)-(b) and added (c).

Amended by R.1984 d.505, effective November 5, 1984.

See: 16 N.J.R. 1852(a), 16 N.J.R. 3009(a).

Amended by R.1989 d.240, effective May 1, 1989.

See: 21 N.J.R. 235(a), 21 N.J.R. 1134(a).

Recodified from 6:39-1.4 to 1.5, deleted "State" from term Education Department.

6:39-1.6 Recognition of excellence

District boards of education shall be encouraged to develop programs which give recognition to students who achieve academic excellence in the course proficiencies.

New Rule: R.1989 d.240, effective May 1, 1989.

See: 21 N.J.R. 235(a), 21 N.J.R. 1134(a).

6:39-1.7 (Reserved)

Amended by R.1984 d.505, effective November 5, 1984.

See: 16 N.J.R. 1852(a), 16 N.J.R. 3009(a).

(b) deleted.

Amended by R.1987 d.358, effective September 8, 1987.

See: 19 N.J.R. 1033(b), 19 N.J.R. 1641(c).

Added (a)1 through (a)2.

Amended by R.1989 d.240, effective May 1, 1989.

See: 21 N.J.R. 235(a), 21 N.J.R. 1134(a).

Recodified from 6:39-1.5 to 1.7, section (a) deleted, new language added exempting educationally handicapped pupils from testing.

Repealed by R.1989 d.479, effective September 5, 1989.

See: 21 N.J.R. 1605(a), 21 N.J.R. 2786(a).

This section formerly contained a rule exempting handicapped students from the High School Proficiency Test.