

## CHAPTER 8

## STANDARDS AND ASSESSMENT

## Authority

N.J.S.A. 18A:7A-49, 18A:7C, 18A:7E-2 through 5, 18A:35-4.2, 18A:35-4.7, 18A:54 and 18A:59-5.

## Source and Effective Date

R.2000 d.190, effective May 1, 2000.  
See: 32 N.J.R. 395(a), 32 N.J.R. 1528(a).

## Executive Order No. 66(1978) Expiration Date

Chapter 8, Standards and Assessment, expires on May 1, 2005.

## Chapter Historical Note

Chapter 8, Standards and Assessment, was adopted as R.2000 d.190, effective May 1, 2000. See: Source and Effective Date.

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## SUBCHAPTER 1. GENERAL PROVISIONS

## 6A:8-1.1 Purpose

(a) The Core Curriculum Content Standards define what all students should know and be able to do by the end of their public school education.

1. The Core Curriculum Content Standards specify expectations in seven academic content areas: the visual and performing arts, comprehensive health and physical education, language arts literacy, mathematics, science, social studies, and world languages. The Core Curriculum Content Standards also include the following five Cross-Content Workplace Readiness Standards: career planning; use of technology, information, and other tools; critical thinking, decision making, and problem solving; self-management; and application of safety principles. These workplace readiness standards reinforce the common threads among all content areas.

2. The Core Curriculum Content Standards are further delineated by cumulative progress indicators at the benchmark grades of four, eight, and 11-12. These cumulative progress indicators further clarify expectations for student achievement.

3. The Core Curriculum Content Standards for Students with Severe Disabilities is an adaptation of the Core Curriculum Content Standards and shall delineate expectations for students with severe disabilities who meet criteria established by the Department of Education.

(b) The Core Curriculum Content Standards, including cumulative progress 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.

(c) The Statewide assessment system measures student progress in the attainment of the Core Curriculum Content Standards.

(d) 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.

## 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.

### 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) Throughout this chapter, unless otherwise noted, "district boards of education" shall be interpreted to include all providers of publicly funded elementary, secondary, and adult high school education programs, including county vocational schools, educational services commissions, jointure commissions, charter 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 Corrections, the Juvenile Justice Commission, State facilities, organizations, 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 employment or postsecondary study upon their graduation.

(d) Progress toward meeting the Core Curriculum Content Standards shall be measured by the Statewide assessment system at benchmark grade levels four, eight, and 11-12 and at any other grades deemed appropriate by the Commissioner.

### 6A:8-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings 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 students with limited English proficiency an equitable opportunity to participate in assessment and demonstrate their knowledge and skills in the areas assessed.

"Advanced Placement courses" means those courses aligned with the 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 score achieved by a student 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.

"APA" means the Alternate Proficiency Assessment, to be used to determine student achievement of the knowledge and skills specified by the Core Curriculum Content Standards for Students with Severe Disabilities.

"Apprentice" means an employee of legal working age who meets the qualifications established by the apprentice sponsor and who is employed under a written agreement which provides that related training and on-the-job experience received are in accordance with approved standards of apprenticeship established by the U.S. Department of Labor and the Equal Employment Opportunity in Apprenticeship and Training Act (29 CFR §§ 29.29 and 29.30), and in conformance with the Core Curriculum Content Standards.

"Approved private schools for the disabled" means the incorporated entities approved by the Department of Education 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 and exploration" means instruction and programs which assist students to clarify career goals, explore career possibilities, develop employability skills, and make the transition from school to work and/or postsecondary education.

"Charter school" means a public school operated under a charter granted by the Commissioner and independently of a district board of education, with a board of trustees as the public agents authorized by the State Board of Education to supervise and control the charter school.

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

"Commissioner" means the Commissioner, New Jersey State Department of Education, or his or her designee.

"Core Curriculum Content Standards" means statements adopted by the State Board of Education May 1, 1996, and as thereafter revised by the State Board, which describe the knowledge and skills all New Jersey students are expected to acquire by the benchmark grades of four, eight, and 11-12. These standards, published by the Department as document PTM 1400.06, are established for the provision of a thorough and efficient education pursuant to N.J.S.A. 18A:7F-4 and as a basis for the evaluation of school districts in accordance with N.J.A.C. 6:8-2.1(a).

“Core Curriculum Content Standards for Students with Severe Disabilities” means an adaptation of the Core Curriculum Content Standards with adapted cumulative prog-

ress indicators which describe the knowledge and skills New Jersey students with severe disabilities are expected to be working toward.

“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.

“Cross-Content Workplace Readiness Standards” means statements adopted as an integral part of the Core Curriculum Content Standards, in accordance with N.J.A.C. 6:8-2.1(a)3 and 4, by the State Board of Education, and published by the Department in document PTM 1400.06, which are infused across all academic content areas and address the knowledge and skills needed to prepare all students to maximize their ability to be self-sufficient and contributing members of society.

“Cumulative progress indicators” means the statements which further delineate the Core Curriculum Content Standards.

“Curriculum frameworks” means documents published by the Department of Education that include and elaborate on the Core Curriculum Content Standards for kindergarten through grade 12 education and that may assist in the development of local curricula.

“Cut scores” means scores on the assessment scales that demarcate the various performance levels (that is, partially proficient, proficient, and advanced proficient).

“District boards of education” means, for purposes of this chapter, all providers of publicly funded elementary, secondary, and adult high school education programs, including county vocational schools, educational services commissions, jointure commissions, charter 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 Corrections, the Juvenile Justice Commission, State facilities, organizations, and approved private schools for the disabled.

“ESPA” means the Elementary School Proficiency Assessment, which is used to determine cumulative achievement of the Core Curriculum Content Standards through fourth grade.

“Evaluation,” formerly called “monitoring,” means the process by which the Commissioner of Education 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 person, defined under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and 34 CFR § 104.3(a), (c) and (d), who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

“504 team” means a group of persons which 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).

“GEPA” means the Grade Eight Proficiency Assessment, which is used to determine cumulative achievement of the Core Curriculum Content Standards through eighth grade.

“Gifted and talented students” means those exceptionally able students who possess or demonstrate high levels of ability, in one or more content areas, when compared to their chronological peers in the local 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 Core Curriculum Content Standards.

“HSPT” means the High School Proficiency Test, which is used to determine student achievement of knowledge and skills in reading, writing, and mathematics. This test is to be replaced by the HSPA.

“IEP” means Individualized Education Program, which is a written plan for students with disabilities developed at a meeting according to N.J.A.C. 6A:14-2.3(h)2 that sets forth present levels of performance, measurable annual goals, and short-term objectives or benchmarks, and describes an integrated, sequential program of individually designed instructional activities and related services necessary to achieve the stated goals and objectives.

“IEP Team” means the participants who are required to attend the meeting to develop the Individualized Education Program as specified in N.J.A.C. 6A:14-2.3(h)2.

“Instructional adaptation” means an adjustment or modification to instruction enabling students with disabilities, students with limited English proficiency, or students who are gifted and talented to participate in, benefit from, and/or demonstrate knowledge and application of the Core Curriculum Content Standards.

“LEP” means limited English proficient.

“Magnet program” means a program designed to attract students from throughout a district by offering a specialized curriculum.

“National Skill Standards Board” means the group established by the National Skill Standards Act of 1994, 20 U.S.C. §§ 5931 et seq., for the purpose of developing a national system of skill standards, assessment, and certification of skill attainment.

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

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

“Performance assessment” means demonstrations of what students know and can do, including such things as open-ended or constructed response questions, essays, portfolios of student work, projects, and reports of laboratory or work-based experiences.

“Performance level” means one of several categories describing student proficiency with regard to the achievement of the State’s Core Curriculum Content Standards defined by cumulative progress indicators.

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

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

“SETC” means the State Employment and Training Commission established under P.L. 1989, c.295 to develop and assist in the implementation of a State employment and training policy.

“SRA” means Special Review Assessment, which is an alternative assessment that measures achievement of the Core Curriculum Content Standards.

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

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

“Structured learning experience” means supervised student co-curricular or extra-curricular activities, school-based enterprises, volunteer or paid employment, apprenticeship programs, or community service within disciplines linked to the Core Curriculum Content Standards.

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

“WIB” means a regional/county Workforce Investment Board established under Governor Christine Todd Whitman’s Executive Order No. 36(1995) to plan and coordinate all the workforce development programs within its area.

## 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 May 1996, the State Board adopted by resolution the Core Curriculum Content Standards and associated cumulative progress indicators, which establish the basis for local curriculum and instruction, the Statewide assessment system, and evaluation of local district boards of education.

2. The Commissioner shall develop Core Curriculum Content Standards for Students with Severe Disabilities, based on the Core Curriculum Content Standards and including adapted cumulative progress indicators.

3. On April 17, 2000, the Commissioner adopted the Early Childhood Education Program Expectations: Standards of Quality, that provides the foundation for all districts to create developmentally appropriate learning environments to support and prepare young children to meet the Core Curriculum Content Standards.

4. The State Board on or before May 2001 will initiate a review and readoption process for the Core Curriculum Content Standards, including any Core Curriculum Content Standards for Students with Severe Disabilities and the Early Childhood Education Program Expectations: Standards of Quality. This process will be repeated every five years thereafter, based on recommendations by the Commissioner according to the following procedure:

i. The Commissioner shall convene advisory panels of public school educators, higher education representatives, business representatives, and other citizens, to review and, if necessary, to recommend modifications to the Core Curriculum Content Standards and the associated cumulative progress 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 recommended revisions to the Core Curriculum Content Standards and the associated cumulative progress indicators.

iii. Advanced notice(s) of the State Board meeting at which the recommended Core Curriculum Content Standards 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 Core Curriculum Content Standards.

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".

#### **6A:8-2.2 Authority for the State Plan for Vocational Education**

(a) The State Board shall serve as required by P.L. 105-332 and designated by N.J.S.A. 18A:59-5 as the sole agency responsible for the administration of the State Plan for Vocational Education and the legally constituted State Board for Vocational Education.

(b) The State Board will adopt a State Plan for Vocational Education pursuant to P.L. 105-332.

1. The State Board will be guided by the Core Curriculum Content Standards and, in particular, the Cross-Content Workplace Readiness Standards in developing the State Plan for Vocational Education required under P.L. 105-332.

2. District boards of education wishing to participate in grant programs, pursuant to (b)4 below and P.L. 105-332, shall apply for funds to the New Jersey Department of Education on forms provided by the Department.

3. The State Board, in concordance with P.L. 105-332, will include in the State Plan for Vocational Education authorization for the Commissioner to withhold from district boards of education State and Federal funds for activities in any component programs included in N.J.S.A. 18A:54 when the following conditions exist:

- i. The program is unapproved;
- ii. The activities are being implemented in a manner inconsistent with the State Plan for Vocational Education;
- iii. Students participating in external paid structured learning experiences are exploited, illegally employed, or employed under conditions which do not provide for their health and safety; or

iv. Teachers are not appropriately certified according to N.J.A.C. 6:11.

4. The State Board of Education assures that any district board of education and other eligible institution or agency conducting vocational and technical education programs dissatisfied with final action on any applications for funds shall be given reasonable notice and may appeal the decision as set forth in N.J.A.C. 6A:3, Controversies and Disputes.

5. The State Board will include in the State Plan for Vocational Education, in concordance with P.L. 105-332, authorization for the Commissioner to establish a program-approval system for aligning occupational programs with educational delivery systems from grade nine through grade 12 at the local, county, regional, and State levels. Program approval is required for occupational/technical programs offered by districts with approved vocational schools, comprehensive high schools, county vocational schools, and other agencies offering secondary or non-collegiate postsecondary programs. The program-approval system shall include the following:

i. District boards of education shall identify the need for occupational programs of instruction through identification of the National Skill Standards Board's latest labor-market demand data, the results of employer surveys, and the use of an advisory committee to plan for and operate the program.

ii. District boards of education seeking to establish any new occupational programs shall request recommendations from the appropriate Workforce Investment Board (WIB) to minimize duplication of programs and to foster a unified delivery system.

iii. District boards of education, upon verification of the local need to offer an occupational program and recommendation of the WIB, shall submit a completed Occupational Education Program Approval Request to the Department of Education. The Program Approval Request will include the following: program title; occupational objective of the program; documentation of the need for the program; program advisory committee; admission requirements; program structure; instructional staff plans; enrollment projections; curriculum outline; participation in vocational student organizations; facilities and equipment required; program costs; career guidance and counseling provisions; linkage programs involved; participation of special populations; evaluation; and impact on institutional capacity.

iv. The Commissioner shall approve or disapprove the district request to offer an occupational program. Approval or disapproval will be based on the completeness of the application and the inclusion of data which support the establishment of the program.

v. The Commissioner, in approving programs with a regional or State designation, shall establish the criteria for admitting students from outside the district and/or county. The admission requirements will include at least minimum academic and occupational competencies, based on the Core Curriculum Content Standards, Cross-Content Workplace Readiness Standards, and an employer-verified competency list.

vi. District boards of education dissatisfied with the decision on the request for an occupational program approval may appeal the decision as set forth in N.J.A.C. 6:24, Controversies and Disputes.

**6A:8-2.3 Authority for the registration and related classroom instruction of apprenticeship programs**

The Department of Education is the recognized State agency responsible for the administration of the related classroom instruction of registered apprentice programs as required by 29 CFR §§ 29.29 and 29.30.

**6A:8-2.4 Authority for requirement to establish early childhood education programs**

(a) Pursuant to N.J.S.A. 18A:7F-16, district boards of education, except Abbott districts pursuant to N.J.A.C. 6A:24-3.1 through 3.3, with high concentrations of low-income students shall establish preschool and full-day kindergarten for all four- and five-year-olds by the 2001-2002 school year and shall maintain them thereafter.

1. District boards of education with a concentration of low-income students equal to or greater than 20 percent and less than 40 percent of the total enrollment shall provide full-day kindergarten for all five-year-olds and preschool classes for all four-year-olds and other early childhood education programs and services.

2. District boards of education with a concentration of low-income pupils equal to or greater than 40 percent, may expand early childhood education programs and services to three-year-olds, at such time that full-day kindergarten is offered to all five-year-olds and preschool classes are offered to all four-year-olds.

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.

**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 Core Curriculum Content Standards and shall ensure that appropriate instructional adaptations are designed and delivered for students with disabilities, for students with limited English proficiency, and for students who are gifted and talented.

1. The Department of Education shall provide districts with curriculum frameworks that suggest a variety of activities and strategies that may assist in the development of local curricula aligned with the Core Curriculum Content Standards.

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 Core Curriculum Content Standards.

3. District boards of education shall be responsible for identifying and implementing instructional adaptations for students with disabilities, as specified in their IEPs or 504 plans.

4. District boards of education shall be responsible for developing educational programs for students with severe disabilities aligned with the Core Curriculum Content Standards for Students with Severe Disabilities where appropriate.

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 identification process and appropriate educational challenges for gifted and talented students initiated in kindergarten and reviewed annually through grade 12.

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

6. District boards of education shall actively assist and support teachers' professional development and/or inservice, including their efforts to meet the mandatory continuing education requirement for teachers and educational services staff, as specified in N.J.A.C. 6:11-13.1.

(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 employment or postsecondary study upon their graduation. Examples of such programs include, but are not limited to, academic programs, occupational/technical programs, and/or magnet programs.

(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 any modifications to the Core Curriculum Content Standards, according to N.J.A.C. 6A:8-2.

(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 therefrom.

**6A:8-3.2 Career awareness and exploration**

(a) District boards of education, in fulfillment of the Core Curriculum Content Standards, shall develop and implement a comprehensive guidance and counseling system to facilitate career awareness and exploration for all students.

1. The Department of Education shall provide districts with a cross-content workplace readiness curriculum framework that suggests a variety of activities and strategies that may assist in the development of local curricula aligned with the Core Curriculum Content Standards.

2. District boards of education shall implement a developmental career guidance and career awareness program, linked to the Core Curriculum Content Standards, which:

i. Is infused throughout the K-12 curriculum as appropriate for all students;

ii. Is supported by professional development programs; and

iii. Takes into consideration the Career Development Standards of the National Standards for School Counseling Programs of the American School Counselor Association in the following three areas of student development:

(1) Academic development;

(2) Career development; and

(3) Personal/social development.

3. District boards of education shall provide developmental career guidance and career awareness, linked to the Core Curriculum Content Standards, designed to:

i. Assist students in making and implementing informed educational and occupational choices, including opportunities to change career focus;

ii. Develop a student's competencies in self-management, educational and occupational exploration, and career planning;

iii. Make students aware of the relationship among personal qualities, education, training, and the world of work;

iv. Encourage students to create and maintain portfolios consisting of student accomplishments related to the Cross-Content Workplace Readiness Standards; and

v. Acquaint students with the relationship between achieving academic standards and the attainment of career goals.

4. District boards of education shall, for students with disabilities age 14 through 21 (or younger, if determined appropriate by the IEP team), incorporate transitional services, including career guidance and counseling, into each student's IEP.

(b) District boards of education, in fulfillment of the Core Curriculum Content Standards, shall develop and implement curriculum and instructional methods which:

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

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

(c) District boards of education, in fulfillment of the Core Curriculum Content Standards, shall develop and implement for all students a system of career exploration which:

1. Offers high school students the opportunity to more fully explore career interests within, but not limited to, one or more of the following clustered disciplines linked to the Core Curriculum Content Standards and as measured by the Statewide assessment system according to N.J.A.C. 6A:8-4:

i. Arts and Humanities;

ii. Business and Information Systems;

iii. Mathematics, Science, and Technology; and

iv. Health and Human Services;

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

3. Allows districts to select the delivery format that may include:

i. An integrated curriculum, based on the Core Curriculum Content Standards, 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.

(d) District boards of education shall offer all high school students opportunities to more actively experience career exploration by participating in structured learning experiences linked to Core Curriculum Content Standards.

1. District boards of education shall design structured learning experiences as rigorous activities, integrated into the curriculum, and linked to the Core Curriculum Content Standards. As used in this paragraph, "rigorous activities" means that the student activities have identifiable educational goals that are of a high level, are an important part of the curriculum, and incorporate links to the cross-content workplace readiness and academic standards. They should give students an opportunity to both

demonstrate and apply a high level of academic attainment.

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

- i. Co-curricular or extra-curricular activities; or
- ii. External experiences such as volunteer activities, community service, paid or unpaid employment opportunities, or participation in an apprenticeship program.

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

- i. Are supervised by school personnel in accordance with the requirements for cooperative education (N.J.A.C. 6:43);
- ii. Are conducted at sites registered with the Department of Education via the Worksite Registration System; and

iii. Conform to Federal and State law.

4. The Commissioner shall establish a process to recognize the contributions of students who engage in a structured learning experience that involves volunteer and/or community service activities.

### 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 develop articulation agreements with New Jersey colleges and universities to facilitate the delivery of college credit courses to qualified high school students. These credits shall be accepted at all public New Jersey higher education institutions.

1. The Commissioner and the Executive Director of the Commission on Higher Education shall prepare and circulate a model articulation agreement.

2. All public New Jersey higher education institutions shall accept the credits earned for college courses taken under articulation agreements between district boards of education and New Jersey colleges and universities.

(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. The same college courses offered to regularly admitted college students; and
2. College courses 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.

### 6A:8-3.4 Requirements for early childhood education programs

(a) A district board of education, except Abbott districts pursuant to N.J.A.C. 6A:24-3.4, required under N.J.A.C. 6A:8-2.4 to establish early childhood education programs shall submit a program and fiscal operational plan for Early Childhood Program Aid, on a form provided by the Commissioner, to the county superintendent for review and approval, and shall be subject to monitoring. The program and fiscal operational plan shall be revised annually, prior to each fiscal year to reflect changes in program and fiscal components.

1. The fiscal section of the plan is pursuant to N.J.A.C. 6:19-3.2(a) through (e)1.

(b) The county superintendent shall review each line item in the district's program and fiscal operational plan to determine whether it is appropriate.

(c) A district board of education shall include in the program section of the plan the following components:

1. District wide planning;
2. Community collaboration and planning;
3. Parent involvement;
4. Curriculum development and implementation; and
5. Professional development and training.

(d) A district board of education shall demonstrate that programs are based on a district-wide assessment that includes a needs and resource assessment for each school that is a subset of the district's comprehensive strategic plan pursuant to N.J.S.A. 18A:7F-16.

(e) A district board of education shall ensure that the early childhood education program:

1. Is developmentally appropriate to the age and skill level of the young child;
2. Is based on the Early Childhood Education Program Expectations: Standards of Quality;
3. Coordinates with all other relevant district programs, for example, special education, bilingual education, and Title I; and
4. Includes an annual program evaluation.

(f) A district board of education shall base early childhood education programs and curricula on student needs, strengths and interests that focus on all aspects of development: cognitive, social, emotional and physical. Curriculum and assessment strategies and/or resources shall be developmentally appropriate and include performance-based measures. The curriculum shall be based on the Early Childhood Education Program Expectations: Standards of Quality, which is aligned with the Core Curriculum Content Standards.

(g) A district board of education shall ensure that instructional methods and/or strategies are congruent with the cognitive, social, emotional and physical skills of the young child. Instruction shall balance teacher-directed and child-initiated experiences.

(h) A district board of education shall provide appropriate professional development and training to prepare instructors for the early childhood education program.

(i) A district board of education may contract with Department of Human Services (DHS)-licensed child care programs where practical so as not to duplicate the provision of early childhood education programs available in the community, provided that the DHS-licensed child care program(s) with which the district board of education contracts complies with the district's program requirements, including the employment of appropriately licensed teaching staff, pursuant to N.J.A.C. 6:11-3.1.

(j) A district board of education shall include parent education activities in the early childhood program with specific strategies identified that assist parents in remaining actively involved in their child's education throughout their school years.

(k) A district board of education shall demonstrate that community health and social service agencies have been included in the planning, operations and, if appropriate, the fiscal support of the early childhood program.

New Rule, R.2001 d.182, effective June 4, 2001.  
See: 33 N.J.R. 943(a), 33 N.J.R. 1912(a).

#### 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 grades and by such assessments as he or she deems appropriate, and 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 Core Curriculum Content Standards.

1. The Commissioner, with the approval of the State Board, shall define the scope and level of student performance on Statewide assessments that demonstrate solid understanding of the knowledge and skills delineated by the Core Curriculum Content Standards at benchmark grade levels four, eight, and 11-12.

2. The State Board, after consultation with the Commissioner, shall, by resolution, establish uniform Statewide criteria defining adequate district progress toward meeting the Core Curriculum Content Standards.

(c) District boards of education shall, according to a schedule prescribed by the Commissioner, administer the applicable Statewide assessments, including the five major components: the Elementary School Proficiency Assessment (ESPA), the Grade Eight Proficiency Assessment (GEPA), the High School Proficiency Assessment (HSPA), the Special Review Assessment (SRA), and the Alternate Proficiency Assessment (APA).

1. The Department shall implement the complete ESPA in all content areas of the Core Curriculum Content Standards in the 2003-2004 academic year.

2. The Department shall implement the complete GEPA in all content areas of the Core Curriculum Content Standards in the 2003-2004 academic year.

3. The Department shall implement the complete HSPA in all content areas of the Core Curriculum Content Standards in the 2005-2006 academic year.

(d) All students at grade levels four, eight, and 11-12, pursuant to (b) and (c) above, and at any other grades 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 limited English proficient (LEP) students eligible for State testing and for 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 Individualized Education Program (IEP) team or the 504 team.

i. The Department of Education shall provide districts with guidelines for testing accommodations for students with disabilities and LEP students, guidelines for testing exemption of LEP students, and procedures for the assessment of LEP students.

ii. District boards of education may administer the SRA to students with disabilities as defined in N.J.A.C. 6A:14-1.3 or eligible under section 504 of the Rehabilitation Act if the IEP team or the 504 team determines

that the student requires an alternate format to demonstrate knowledge and skills measured by the HSPA.

iii. District boards of education may administer the SRA to LEP students who require an alternate format to demonstrate knowledge and skills measured by the HSPA.

iv. District boards of education may administer the SRA to LEP students in their native language and/or English, in conformance with N.J.A.C. 6A:8-5.1(f).

2. District boards of education shall ensure that 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:14-4.11.

3. Students with disabilities as defined in N.J.A.C. 6A:14-1.3 shall participate in the appropriate Statewide assessment unless the student's disability is so severe that the student is not receiving instruction in any of the knowledge and skills measured by the Statewide assessment in a subject area with or without accommodations in accordance with N.J.A.C. 6A:14-4.11(a)2.

4. District boards of education shall, at specific times prescribed by the Commissioner starting with the 2000-2001 academic year, administer the Alternate Proficiency Assessment (APA) to students with severe disabilities who cannot participate in other assessments due to the severity of their disabilities. The APA will measure the progress of students with severe disabilities toward achieving the Core Curriculum Content Standards for Students with Severe Disabilities.

i. The Department of Education shall provide districts with guidelines for identifying students on a case-by-case basis who cannot participate in other assessments due to the severity of their disabilities and who, therefore, should participate in the APA.

5. District boards of education shall administer the SRA, following the 11th grade, to all students, or corresponding adult high school students, who have not demonstrated proficiency on one or more section of the HSPA. District boards of education, in implementing the SRA process, shall use only those assessment instruments and procedures approved by the Commissioner of Education.

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

#### 6A:8-4.2 Documentation of student achievement

(a) The Department of Education, after each test administration, shall provide to chief school administrators the following:

1. Rosters of student performance in each content area;
2. Individual student reports; and
3. District and school summary data, including school and district means, numbers tested, and percent achieving at each performance level, with district summary data aggregated and disaggregated, and school summary data disaggregated, for students with disabilities as defined by N.J.A.C. 6A:14-1.3 and for those who have limited English proficiency.

(b) District boards of education shall transmit within 10 days any official records, including transcripts, of those 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 for review as required by the county superintendent of schools for school and district evaluation in accordance with N.J.A.C. 6A:30-1.4(a)2.

(d) Starting with students entering ninth grade in the 2000-2001 academic year or planning to graduate from an adult high school in the 2003-2004 academic year, district boards of education shall maintain, for every student, a ninth-grade through graduation transcript which contains the following, in accordance with N.J.A.C. 6:3-6, as available:

1. Results of all applicable State assessments;
2. Results of any English language proficiency assessments according to N.J.A.C. 6A:8-5.1(f)3i;
3. Other evidence of student achievement;

4. Evidence of instructional experience and performance in the Core Curriculum Content Standards;

5. Evidence of employability skills and work habits such as punctuality, attendance, and teamwork;

6. Structured learning experiences according to N.J.A.C. 6A:8-3.2(c);

7. The results of any employer/industry certification tests linked to one or more industry-based standards; and

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

(e) The Commissioner, in consultation with the State Employment and Training Commission, shall develop and disseminate to district boards of education a format for electronic official school transcripts for optional use by students.

#### 6A:8-4.3 Accountability

(a) Chief school administrators shall report the results of annual assessments to district boards of education within 30 days of receipt of information from the Department of Education.

(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 Core Curriculum Content Standards as measured by the Statewide assessment system.

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

(a) The Department of Education shall review the performance of schools and districts, initially using an absolute criterion and subsequently incorporating a progress criterion indicative of systemic reform as defined in (c)2 below. This review shall take place at each grade level in which Statewide assessments are administered, using the following criteria:

1. Beginning July 1, 2000, 75 percent of fourth- or fifth-grade students enrolled in a school or district who participate in the Statewide assessment program, except those with disabilities as defined by N.J.A.C. 6A:14-1.3 and those who have limited English proficiency, shall have scored at or above the proficient level on the ESPA, in each of the content areas assessed.

2. Beginning July 1, 2000, 75 percent of eighth-grade students enrolled in a school or district who participate in the Statewide assessment program, except those with dis-

abilities as defined by N.J.A.C. 6A:14-1.3 and those who have limited English proficiency, shall have scored at or above the proficient level on the GEPA, in each of the content areas assessed.

3. Beginning July 1, 2005, the absolute criteria for student performance applied to the ESPA and GEPA shall be 85 percent of students enrolled in a school or district who participate in the Statewide assessment program, except those with disabilities as defined by N.J.A.C. 6A:14-1.3 and those who have limited English proficiency.

4. Beginning July 1, 2000, 85 percent of 11th grade students enrolled in a school or district in October of their 11th grade year, except those with disabilities as defined by N.J.A.C. 6A:14-1.3 and those who have limited English proficiency, shall have scored at or above the proficient level in mathematics, reading, and writing on the October and/or April administrations of the HSPT in their 11th grade year.

5. Beginning July 1, 2003, 85 percent of 12th grade students enrolled in a school or district as of October 15 of their 11th grade year, except those with disabilities as defined by N.J.A.C. 6A:14-1.3 and those who have limited English proficiency, shall have scored at or above the proficient level in all content areas assessed on the spring administration of the HSPA in their 11th grade year and/or the fall and spring administrations of the HSPA in their 12th grade year.

6. Beginning July 1, 2002, district boards of education shall ensure that students with disabilities and students with limited English proficiency participate in the applicable Statewide assessments.

(b) The Department of Education, in accordance with N.J.S.A. 18A:7A-10, shall annually review individual school performance on applicable Statewide assessments relative to achieving the Core Curriculum Content Standards according to the criteria specified in (a)1 through 6 above.

1. District boards of education shall ensure that each school which does not achieve State standards as determined by performance on applicable Statewide assessments develops and implements a school-level improvement plan including measurable objectives to address deficiencies identified by the assessments.

2. District boards of education shall ensure that each school which achieves State standards creates measurable school-level objectives that address improvement in any area contained within the Core Curriculum Content Standards.

3. District boards of education shall submit all school-level improvement plans and objectives annually to the county superintendents as part of the quality assurance annual report (QAAR) in accordance with N.J.A.C. 6A:30-1.4(a)1.

4. Charter schools shall submit all school-level improvement plans and objectives annually to the county superintendents as part of the annual report in accordance with N.J.S.A. 18A:36A-16(b).

(c) The Department of Education, in accordance with N.J.A.C. 6A:30-2.1, shall evaluate a district board of education every seven years. The evaluation shall be based, in part, on a district board of education's performance in achieving the proficiency levels of the Core Curriculum Content Standards as measured at each grade level in which Statewide assessments are administered.

1. A district board of education may be certified if it meets the applicable criteria in (a)1 through 6 above, developed pursuant to N.J.A.C. 6A:8-4.1(a) and (b).

2. Beginning July 1, 2001, for the ESPA and the GEPA, and July 1, 2004, for the HSPA, a district board of education may be certified with conditions if it meets one of the following criteria of systemic reform:

i. Achieving an increase of at least five percentage points in any passing rates initially at or above 50 percent of the class enrollment in the ESPA, GEPA, and HSPA, in each of the subject areas assessed, using the baseline data obtained in the previous academic year; or

ii. Achieving an increase of at least 10 percentage points in any passing rates initially at or above 25 percent of the class enrollment in the ESPA, GEPA, and HSPA, in each of the subject areas assessed, using the baseline data obtained in the previous academic year.

#### 6A:8-4.5 Public reporting

(a) The Department of Education shall report annually to the State Board and the public on the progress of all students in meeting the Core Curriculum Content Standards 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) The Department of Education, after each test administration, shall report to district boards of education on the performance of students with disabilities and LEP students with the same frequency and in the same detail as it reports on the assessments of all other students.

(c) Beginning July 1, 2001, the Department of Education 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 district means and the number and percentage of participating students.

(d) The Department of Education shall only publicly report summary performance data if doing so would not compromise the confidentiality of individual students.

## SUBCHAPTER 5. IMPLEMENTATION OF GRADUATION REQUIREMENTS

### 6A:8-5.1 Graduation requirements

(a) District boards of education shall develop, adopt, and implement requirements for a State-endorsed diploma which include the following:

1. Local high school graduation requirements including one of the following two options:

i. Participation in a local program of study of not fewer than 110 credits in courses designed to meet all of the Core Curriculum Content Standards, including, but not limited to, the following credits:

(1) At least 20 credits in language arts literacy;

(2) At least 15 credits in mathematics;

(3) At least 10 credits in science through August 2000; at least 15 credits in science effective with the 2000-2001 grade nine class;

(4) At least 15 credits in social studies, including satisfaction of N.J.S.A. 18A:35-1 and 2;

(5) At least 3¾ 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;

(6) At least five credits in visual, performing, and/or practical arts for those entering grade nine prior to the 2001-2002 school year; at least 10 credits in visual, performing, and/or practical arts effective with the 2001-2002 grade nine class;

(7) At least 10 credits in world languages effective with the 2001-2002 grade nine class; and

(8) Cross-content workplace readiness which may be satisfied through infusion into existing courses, course equivalents, or career education courses; or

ii. The 110-credit requirement set forth in (a)1i above may be met in whole or in part through program completion as follows:

(1) District boards of education may determine and establish a set number of curricular activities or programs aimed at achieving the Core Curriculum Content Standards for promotion and graduation purposes.

(2) Curricular activities and programs may be organized around an interdisciplinary model based on themes involving the Core Curriculum Content Standards, such as the following:

(A) Arts and Humanities;

(B) Business and Information Systems;

(C) Mathematics, Science, and Technology; or

(D) Health and Human Services.

(3) Programs shall be planned for individuals and/or a group based on specific instructional objectives.

(4) The principal shall certify completion of curricular activities or programs based upon specified instructional objectives.

(5) Group programs based upon specific instructional objectives shall be approved in the same manner as other approved courses. Individual programs shall be on file in the local district and subject to review by the Commissioner or his or her designee;

2. Local student attendance requirements;

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

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

5. Starting with those students entering grade nine in the 1999-2000 academic year or planning to graduate from an adult high school in the 2002-2003 academic year, the requirement that all students demonstrate proficiency in all sections of the HSPA or SRA process applicable to the class graduating in the year they meet all other graduation requirements.

i. The applicable sections of the HSPA or SRA process shall follow the schedule provided by the Department pursuant to N.J.A.C. 6A:8-4.1(a) for the implementation of New Jersey's Core Curriculum Content Standards.

ii. Students who enter an adult high school and make continuous progress toward completion are held accountable for the Statewide assessment in effect at the time they meet all other graduation requirements.

6. Until superseded by the requirement under (a)5 above, the requirement that students (unless explicitly exempted by an IEP) perform at or above the proficient level in all sections of the High School Proficiency Test (HSPT) or SRA process applicable to their class as per the schedule provided by the Department for the implementation of New Jersey's Core Curriculum Content Standards.

(b) District boards of education may count Advanced Placement (AP) courses or college credit courses as fulfilling credit requirements in (a)1i above or program completion requirements in (a)1ii above.

(c) District boards of education, through the IEP process and pursuant to N.J.A.C. 6A:14-4.12, Graduation, may, for individual students with disabilities as defined in N.J.A.C. 6A:14-1.3, specify alternate requirements for a State-endorsed diploma which may include the APA.

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:14-4.12.

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

(d) District boards of education shall provide their graduation requirements to the Commissioner and update this filed copy as their graduation policies are revised.

(e) District boards of education shall provide, in accordance with N.J.S.A. 18A:7C-5, 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 those programs available to assist students in attaining a State-endorsed diploma.

(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 SRA process.

1. District boards of education shall submit the results of the SRA process to the appropriate county superintendent of schools by March 1 of each year for approval for graduation in June of the same year.

2. County superintendents, as the Commissioner's designees, shall review the results of each student's SRA and recommend to the Commissioner either approval or disapproval for graduation.

3. All students of limited English proficiency shall satisfy the requirements for high school graduation according to (a)1 through 3 above, except that any students of limited English proficiency may demonstrate that they have attained State minimum levels of proficiency through:

i. Passage of the SRA process in their native language and passage of an English fluency assessment approved by the Department of Education; or

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

4. Students with disabilities as defined in N.J.A.C. 6A:14-1.3 or eligible under Section 504 of the Rehabilitation Act may demonstrate that they have attained State minimum levels of proficiency through the SRA process if specified in the student's Individualized Education Program (IEP) or Section 504 accommodation plan.

(g) Until superseded by (f) above, district boards of education shall provide students entering grade 12 who have not demonstrated proficiency in one or more sections of the HSPT with the opportunity to become eligible to graduate by demonstrating such competence through repeated administrations of the HSPT and, if necessary, through the SRA process as described in N.J.A.C. 6A:8-4.1(d)5.

1. District boards of education shall submit the results of the SRA process to the appropriate county superintendent of schools by March 1 of each year for approval for graduation in June of the same year.

2. County superintendents, as the Commissioner's designees, shall review the results of each student's SRA and recommend to the Commissioner either approval or disapproval for graduation.

3. All students of limited English proficiency shall satisfy requirements for high school graduation in accordance with the provisions of (a)1 above, except that students of limited English proficiency who enter New Jersey schools in grade nine or later may demonstrate that they have attained or exceeded the proficient level through passage of the SRA process in their native language, and/or English and passage of an English fluency assessment approved by the Department of Education.

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.

#### 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), 5.1(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 N.J.A.C. 6A:8-5.1(a)3, a State-endorsed diploma will be granted by the high school of record.

(c) The Commissioner, pursuant to N.J.A.C. 6:30-1.3(a)1, shall award a State-endorsed high school diploma based on achieving the Statewide standard scores for passage of the General Educational Development (GED) test, to individuals age 16 or older who are no longer enrolled in school and have not achieved a high school credential.

(d) Starting in the 2002-2003 academic year, district boards of education shall award a State-endorsed high school diploma to any individual who:

1. Has performed at a proficient or advanced proficient level of achievement in all sections of the HSPA;
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, if a student currently enrolled in a public school, formally requested such early award of a State-endorsed high school diploma.

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

1. The total number of students graduated;
2. The number of students graduated under the SRA 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 SRA, based on the provisions of N.J.A.C. 6A:8-5.1(a)3.