

assessments for all courses in which they are enrolled, including those students who received a waiver for ELA 11 pursuant to N.J.A.C. 6A:8-4.1(c)3i, as of September 6, 2016, and thereafter, but do not achieve a passing score on both the ELA 10 and Algebra I end-of-course PARCC assessments pursuant to (a)6 above, by the conclusion of their senior year and after multiple opportunities to take the assessments, may satisfy the State requirement to demonstrate proficiency in English language arts and mathematics by meeting the criteria of the portfolio appeals process.

(h) All ELLs shall satisfy the requirements for high school graduation, except ELLs may demonstrate they have attained State minimum levels of proficiency through passage of the portfolio appeals process in their native language, when available, and passage of a Department-approved English fluency assessment.

(i) Students with disabilities as defined in N.J.A.C. 6A:14-1.3 or eligible under Section 504 of the Rehabilitation Act who participate in the alternative assessment for students with disabilities are not required to participate in repeated administrations of high school end-of-course PARCC assessments.

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.

Amended by R.2016 d.105, effective September 6, 2016.

See: 48 N.J.R. 736(a), 48 N.J.R. 1790(b).

Rewrote the section.

Administrative change.

See: 48 N.J.R. 1802(a).

Petition for Rulemaking.

See: 49 N.J.R. 1732(a).

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 high school end-of-course PARCC assessments to demonstrate proficiency as set forth in N.J.A.C. 6A:8-5.1(f) pursuant to the standards applicable to the student's graduating class. Students in graduating classes prior to 2016 shall

demonstrate proficiency as set forth in N.J.A.C. 6A:8-5.1(f)1. Upon certification of passing the test applicable to the student's class in accordance 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, regardless of grade level, who:

1. Has demonstrated proficiency in the high school end-of-course PARCC assessments in ELA 10 and Algebra I, or as set forth in N.J.A.C. 6A:8-5.1(f);

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 substitute competency test process;
3. The number of students graduated under the portfolio appeals process;
4. 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;
5. The total number of students denied graduation from the 12th grade class; and

6. The number of students denied graduation from the 12th grade class solely because of failure to pass the high school end-of-course PARCC assessments, substitute competency tests, or portfolio appeals process 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".

Amended by R.2016 d.105, effective September 6, 2016.

See: 48 N.J.R. 736(a), 48 N.J.R. 1790(b).

Rewrote (b)2 and (e)1; in the introductory paragraph of (e), inserted "regardless of grade level,"; in (f)2, substituted "substitute competency test" for "AHSA"; added new (f)3; recodified former (f)3 through (f)5 as (f)4 through (f)6; and rewrote (f)6.

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".