

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 li(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 li(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.

### Case Notes

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), 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 or applicable Competency Assessments 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)8, 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-issued 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) The Commissioner shall award a State-issued high school diploma to individuals age 16 or older and no longer enrolled in high school based on official transcripts showing at least 30 general education credits leading to a degree at an accredited institution of higher education. Included in the 30 general education credits must be a minimum of 15 credits with at least three credits in each of the five general education categories as follows: English; mathematics; science; social science; and the humanities.

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

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

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

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

(f) 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 AHSA process;
3. The number of students receiving State-endorsed high school diplomas as a result of meeting any alternate requirements for graduation as specified in their IEPs;
4. The total number of students denied graduation from the 12th grade class; and
5. The number of students denied graduation from the 12th grade class solely because of failure to pass the HSPA or SRA, based on the provisions of N.J.A.C. 6A:8-5.1(a)3.

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".

#### Case Notes

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

### AYP Targets

Content Area	Grades	Starting Point 2003 and 2004	2005-2007	2008-2010	2011-2013	2014
Language Arts Literacy	3, 4 & 5	68	75	73	86	100
	6, 7 & 8	58	66	69	84	100
	11	73	79	85	92	100
Math	3, 4 & 5	53	62	72	86	100
	6, 7 & 8	39	49	61	80	100
	11	55	64	74	86	100