

**CHAPTER 8**  
**STANDARDS AND ASSESSMENT**

**Authority**

N.J.S.A. 18A:7A-4 through 14, 18A:7C, 18A:7E-2 through 5, 18A:7F-4, 4.1 and 4.2, 18A:35-4.2, 18A:35-4.7 and 18A:59-5.

**Source and Effective Date**

R.2005 d.213, effective June 7, 2005.  
See: 37 N.J.R. 833(a), 37 N.J.R. 2487(a).

**Chapter Expiration Date**

Chapter 8, Standards and Assessment, expires on June 7, 2010.

**Chapter Historical Note**

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

Chapter 8, Standards and Assessment, was readopted as R.2005 d.213, effective June 7, 2005. See: Source and Effective Date. See, also, section annotations.

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

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**6A:8-1.1 Purpose**

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

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

i. Themes:

- (1) Global Awareness;
- (2) Financial, Economic, Business and Entrepreneurial Literacy;
- (3) Civic Literacy; and
- (4) Health Literacy;

ii. Learning and Innovation Skills:

- (1) Creativity and Innovation;
- (2) Critical Thinking and Problem Solving; and
- (3) Communication and Collaboration Skills;

iii. Information, Media and Technology Skills; and

iv. Life and Career Skills:

- (1) Flexibility and Adaptability;
- (2) Initiative and Self-Direction;
- (3) Social and Cross-Cultural Skills;
- (4) Productivity and Accountability; and
- (5) Leadership and Responsibility.

(b) District boards of education shall ensure that standards, assessments, curriculum, instruction, and professional development are aligned in a local support system that enables all students to achieve 21st century outcomes through the estab-

lishment of student-centered learning environments that provide opportunities for academically diverse students to:

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

(c) The Core Curriculum Content Standards, including 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.

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

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

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

In (c), inserted “is designed to” preceding “measure”.  
Amended by R.2003 d.430, effective November 3, 2003.  
See: 35 N.J.R. 2551(a), 35 N.J.R. 5077(a).

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

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

In (a), rewrote 1.  
Amended by R.2009 d.234, effective July 20, 2009.  
See: 41 N.J.R. 1302(a), 41 N.J.R. 2779(c).

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

#### 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, public college-operated programs, and approved private schools for the disabled.

(c) District boards of education shall align their curriculum and instructional methodologies to assist all students in achieving the Core Curriculum Content Standards and to prepare all students for 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 grade levels three through eight and 11-12, or if ungraded at equivalent ages, and at any other grades deemed appropriate by the Commissioner.

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

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

#### 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 English language learners (ELLs) an equitable opportunity to participate in assessment and demonstrate their knowledge and skills in the areas assessed.

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

“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.

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 be guided by the Core Curriculum Content Standards and, particularly, the career education and consumer, family, and life skills standards and the technological literacy standards, in developing the State Plan for Vocational Education required under P.L. 105-332.

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

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

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

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

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

Rewrote the section.

### 6A:8-2.3 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 3.4, with high concentrations of low-income students shall establish and maintain preschool and full-day kindergarten for all four- and five-year-olds.

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.

(b) District boards of education shall not admit non-resident three- or four-year-old children to ECPA funded preschool programs within any non-Abbott ECPA district.

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

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

Rewrote the section.

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

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

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

### 6A:8-2.4 (Reserved)

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

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

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

## SUBCHAPTER 3. IMPLEMENTATION OF THE CORE CURRICULUM CONTENT STANDARDS

### 6A:8-3.1 Curriculum and instruction

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

1. The Department of Education shall provide district boards of education with Standards support materials that suggest a variety of activities and strategies that may assist in the development of local curricula aligned with the 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 assessing and publicly reporting on the progress of all students in developing the knowledge and skills specified by the Core Curriculum Content Standards, including civics, financial literacy, and all content areas not currently included in the Statewide assessment program.

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

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

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

ii. District boards of education shall provide appropriate K-12 educational services for gifted and talented students.

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

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

6. District boards of education shall actively assist and support professional development for teachers, educational services staff, and school leaders, including their efforts to meet the mandatory professional development requirements as specified in N.J.A.C. 6A:9-15 and 16.

i. District boards of education shall, in accordance with N.J.A.C. 6A:9-15.3(e) through (i), review and approve local professional development plans for teachers aligned with the Professional Standards for Teachers set forth at N.J.A.C. 6A:9-3.3 and with the Professional Development Standards set forth at N.J.A.C. 6A:9-15.2(d) and including the following:

(1) Improvement of teachers' understanding of the content and pedagogy related to their teaching assignments;

(2) Individual and collaborative professional learning with adequate and consistent time for teachers, including English as a second language, gifted and talented, bilingual, and special education teachers, to work together in and across content areas and grade levels to review student work, analyze classroom assessments and other achievement data, critique lesson plans, and solve instructional problems; and

(3) Evaluation and analysis of professional development results in order to improve professional development.

ii. District boards of education shall facilitate the development and implementation of professional growth plans by school leaders, aligned with the requirements set forth at N.J.A.C. 6A:16.

7. District boards of education shall be responsible for developing English language assistance programs for ELLs that are aligned to the Core Curriculum Content Standards and the English Language Proficiency Standards.

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

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

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

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

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

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

i. Twenty-first Century Themes:

(1) Global Awareness;

(2) Financial, Economic, Business and Entrepreneurial Literacy;

(3) Civic Literacy; and

(4) Health Literacy;

ii. Learning and Innovation Skills:

(1) Creativity and Innovation;

(2) Critical Thinking and Problem Solving; and

(3) Communication and Collaboration Skills;

iii. Information, Media and Technology Skills; and

iv. Life and Career Skills:

(1) Flexibility and Adaptability;

(2) Initiative and Self-Direction;

(3) Social and Cross-Cultural Skills;

(4) Productivity and Accountability; and

(5) Leadership and Responsibility.

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

i. A pacing guide;

ii. A list of core instructional materials, including various levels of texts at each grade level;

iii. Benchmark assessments; and

iv. Modifications for special education students, for ELLs in accordance with N.J.A.C. 6A:15, and for gifted students.

(d) District boards of education shall establish procedures whereby any student whose parent or guardian presents to the school principal a signed statement that any or part of the instruction in health, family life education, or sex education is in conflict with his or her conscience or sincerely held moral

or religious beliefs shall be excused from that part of the course where such instruction is being given and, pursuant to N.J.S.A. 18A:35-4.7, no penalties shall result therefrom.

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

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

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

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

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

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

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

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

### 6A:8-3.2 Career education and counseling

(a) The Department of Education shall conduct a two-year pilot project and evaluation of Personalized Student Learning Plans beginning in the 2009-2010 school year. The Department intends that district boards of education shall develop and implement a Personalized Student Learning Plan, for each secondary school student in grades six through 12, according to a schedule developed by the Department of Education.

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

1. District boards of education shall implement a developmental, comprehensive career guidance and academic counseling 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 National Career Development Guidelines and 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.

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

- i. Assist students in making and implementing informed educational and career choices, including opportunities to change career focus;
- ii. Support students' academic attainment, career development, and personal/social development;
- iii. Develop students' understanding of the relationships among academic attainment, career development, and personal/social development; and

iv. Encourage students to create and maintain portfolios consisting of student accomplishments including academic and career-oriented work samples that reflect achievement of the Core Curriculum Content Standards.

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

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

1. Include the integration of technological literacy, consistent with the Core Curriculum Content Standards;
2. Provide all students with an understanding of the career applications of knowledge and skills learned in the classroom; and
3. Provide all students with opportunities to apply knowledge and skills learned in the classroom to real or simulated career challenges.

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

1. Offers all students the opportunity to more fully explore career interests within one or more of the Career Clusters identified in the Vocational-Technical Education Programs and Standards rules at N.J.A.C. 6A:19, that are linked to the Core Curriculum Content Standards and measured by the Statewide assessment system according to N.J.A.C. 6A:8-4;
2. Allows district boards of education to select the appropriate format for offering career-development activities based on district resources, community needs, and student interest;
3. Allows district boards of education to select the delivery format that may include:

- i. An integrated curriculum, based on the 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.
- (e) District boards of education shall offer all high school students opportunities to more actively explore career interests by participating in structured learning experiences linked to the Core Curriculum Content Standards.

1. District boards of education shall design structured learning experiences as rigorous activities that are integrated into the curriculum. As used in this paragraph, "rigorous activities" means that the student activities have identifiable educational goals which support the Core Curriculum Content Standards, and in particular the career education and consumer, family and life skills standards and the technological literacy standards. Structured learning experiences should give students opportunities to demonstrate and apply a high level of academic attainment and to develop career and personal/social goals.

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

- i. Co-curricular or extra-curricular activities; or
  - ii. External experiences taking place at a work site or in the community in accordance with N.J.A.C. 6A:19-6.4.
3. District boards of education shall ensure that students participating in school-sponsored, paid or unpaid external structured learning experiences:

- i. Are supervised by school personnel in accordance with the requirements identified in the Professional Licensure and Standards rules at N.J.A.C. 6A:9-13.19 through 13.22;
- 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.

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

Rewrote the section.

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

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

### 6A:8-3.3 Enrollment in college courses

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

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

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

- 1. Equivalent college courses to those 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.

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

Rewrote (a); in (c), rewrote 1.

### 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:8-2.3 to establish early childhood education programs shall submit a program and fiscal operational plan for Early Childhood Program Aid (ECPA), 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. 6A:23-5.4.

2. The district board of education shall serve at least 75 percent of the universe of four-year-old children prior to any application of ECPA funds to first through third grades.

3. The district board of education shall serve all enrolled four-year-old children in a full day program prior to any application of ECPA funding to first through third grades.

(b) The county superintendent shall review each line item in the school 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;
5. Inclusion of children with disabilities in general education classrooms to the maximum extent possible; and
6. 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. Maintains preschool classroom enrollments of no more than 18 children with one certified teacher and one aide, commencing July 1, 2008;
2. Is developmentally appropriate to the age and skill level of the young child;
3. Is designed to meet the Preschool Teaching and Learning Expectations: Standards of Quality and the Core Curriculum Content Standards;
4. Includes transition activities, programs, and services between preschool programs and kindergarten programs;
5. Coordinates with all other relevant district programs, for example, special education, bilingual education, and Title I; and
6. 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 assessment measures.

(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 professional development and training specific to early childhood education for all early childhood education administrators, teachers, and teacher assistants.

(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.

(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).

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.

#### 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 in accordance with the New Jersey Open Public Records Act (P.L. 2001, c.404) N.J.S.A. 47:1A-1 et seq.

(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 thorough understanding of the knowledge and skills delineated by the Core Curriculum Content Standards at grade levels three through 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 six major components: the elementary assessment component for

grades three through five, the middle school assessment component for grades six through eight, the High School Proficiency Assessment (HSPA) and Competency Assessments, the Alternative High School Assessment (AHSA), and the Alternate Proficiency Assessment (APA) for students with severe cognitive disabilities.

1. The Department shall implement the elementary component of the Statewide assessment of the Core Curriculum Content Standards consisting of the following:

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

2. The Department shall implement the middle school component of the Statewide assessment of the Core Curriculum Content Standards consisting of the following:

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

3. The Department shall implement the HSPA and High School Competency Assessment component of the Statewide assessment of the Core Curriculum Content Standards according to the following schedule:

i. 2008-2009 and 2009-2010 Continued administration of mathematics, biology, and language arts literacy assessments.

(d) All students at grade levels three through 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 ELLs and students with disabilities as defined in N.J.A.C. 6A:14-1.3 or eligible under Section 504 of the Rehabilitation Act as determined by the Individualized Education Program (IEP) team or the 504 team.

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

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

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:14-4.10.

3. District boards of education shall, at specific times prescribed by the Commissioner, administer the Alternate Proficiency Assessment (APA) to students with severe disabilities who cannot participate in other assessments due to the severity of their disabilities.

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

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

4. District boards of education shall administer the AHSA, 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; and to students failing to demonstrate proficiency on High School Competency Assessments required for graduation. District boards of education, in implementing the AHSA 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.

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

Rewrote the section.

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

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

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

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

Rewrote the section.

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

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

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

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

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

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

#### 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

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

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**

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