

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 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.

Case Notes

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