

## CHAPTER 13

PROGRAMS AND PRACTICES TO SUPPORT  
STUDENT ACHIEVEMENT

## Authority

P.L. 2007, c. 260.

## Source and Effective Date

R.2009 d.393, effective November 25, 2009.  
See: 41 N.J.R. 1926(a), 41 N.J.R. 4701(b).

## Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 13, Programs and Practices to Support Student Achievement, expires on November 25, 2016. See: 43 N.J.R. 1203(a).

## Chapter Historical Note

Chapter 13, Programs and Practices to Support Student Achievement, was adopted as special new rules by R.2008 d.181, effective June 2, 2008. See: 40 N.J.R. 4229(a).

Chapter 13, Programs and Practices to Support Student Achievement, was readopted as R.2009 d.393, effective November 25, 2009. See: Source and Effective Date. See, also, section annotations.

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## SUBCHAPTER 1. GENERAL PROVISIONS

**6A:13-1.1 Purpose and applicability of rules**

(a) These rules are promulgated pursuant to the School Funding Reform Act, P.L. 2007, c. 260, to ensure that all students receive the educational entitlements guaranteed them by the New Jersey Constitution. These rules shall ensure that all districts provide students with a rigorous curriculum that is based on the Core Curriculum Content Standards; that relies on the use of State assessments to improve instruction; and that is supported by a professional development plan for teachers and school leaders. In addition, secondary school

districts shall provide students with an academically rigorous personalized environment to prepare them for post-secondary education and/or careers after graduation. These rules also address class size in high poverty school districts and focus on improving instruction in literacy and mathematics in high need school districts.

(b) These rules shall supercede the rules in N.J.A.C. 6A:10 and 6A:10A where inconsistencies occur.

Amended by R.2009 d.393, effective December 21, 2009.

See: 41 N.J.R. 1926(a), 41 N.J.R. 4701(b).

In (a), inserted "secondary".

SUBCHAPTER 2. STANDARDS-BASED  
INSTRUCTIONAL PRIORITIES**6A:13-2.1 Standards-based instruction**

(a) All school districts shall implement a coherent curriculum for all students, including English language learners (ELLs), gifted and talented students and students with disabilities, that is content-rich and aligned to the most recent revision of the Core Curriculum Content Standards (CCCS). The curriculum shall guide instruction to ensure that every student masters the CCCS. Instruction shall be designed to engage all students and modified based on student performance. Such curriculum shall include:

1. Interdisciplinary connections throughout;
2. Integration of 21st century skills;
3. A pacing guide;
4. A list of instructional materials, including various levels of text at each grade;
5. Benchmark assessments; and
6. Modifications for special education students, for English language learners in accordance with N.J.A.C. 6A:15 and for gifted students.

(b) All schools and school districts shall develop and implement professional development plans for teachers aligned with the requirements and the Professional Development Standards set forth at N.J.A.C. 6A:9. Professional development activities shall:

1. Improve teachers' understanding of the content and pedagogy related to their teaching assignment;
2. Promote 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;

3. Include evaluation and analysis of professional development results in order to improve professional development by reviewing the following:

- i. Student test scores, work products and attitudinal measures;
- ii. Progress made in achieving professional development goals;
- iii. Staff feedback on the effectiveness of professional learning activities and Professional Development Plans; and
- iv. Analysis of the costs associated with professional development opportunities in relation to the impact on student achievement and district goals;

4. Include ongoing analysis by administrators and teachers regarding the effectiveness of implementation of professional development initiatives; and

5. Include school district support through policies and adequate resources.

(c) All school leaders shall develop and implement a professional growth plan aligned with the requirements and the Professional Development Standards set forth at N.J.A.C. 6A:9.

(d) All schools and school districts shall collect and analyze student achievement data by subgroups (such as economically disadvantaged, race and ethnicity, students with disabilities, English language learners) and make educational decisions based on such data.

1. The school district shall transmit required student, faculty, school and school district data to New Jersey Standards Measurement and Resources for Teaching (NJ SMART), the New Jersey Department of Education's data warehouse, on a schedule and in a form specified by the Department.

2. The schools and school district shall use NJ SMART and its data query resources to track student progress year-to-year and school-to-school and to identify continuously enrolled students by school and school district.

3. The school district shall ensure that teachers, school administrators and central office supervisors receive training in NJ SMART and its data query resources.

4. The schools and school district shall analyze assessments of student progress in relation to curricular benchmarks and the results of State and non-State year-end tests reported by subgroups (such as economically-disadvantaged, race and ethnicity, students with disabilities and English language learners).

5. The school district central office shall prepare data on comparative performance for all schools in the district and make them available to the schools. This analysis shall include the following comparisons using State assessment data:

- i. Each grade level across all schools within the district;
- ii. Schools within the district;
- iii. Comparable districts by district factor groups; and
- iv. Data with State averages.

(e) All school districts shall ensure that a free appropriate public education is available to all students with disabilities according to the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§1400 et seq., and N.J.A.C. 6A:14.

(f) All school districts shall provide English language learners with instructional services pursuant to N.J.A.C. 6A:15.

(g) All school districts shall provide gifted and talented students with appropriate instructional services pursuant to N.J.A.C. 6A:8-3.1.

(h) All school districts shall provide library-media services that are connected to classroom studies in each school building, including access to computers, district-approved instructional software, appropriate books including novels, anthologies and other reference materials, and supplemental materials that motivate students to read in and out of school and to conduct research. Each school district shall provide these library-media services under the direction of a certified school library media specialist.

#### 6A:13-2.2 Secondary education initiatives

(a) The secondary education initiatives in this section shall apply to all secondary school districts, which shall be defined as school districts that include students in at least two of the grades from six through 12. Where applicable, secondary school districts shall collaborate with sending and receiving districts to implement the secondary education initiatives in this section.

(b) All secondary school districts shall develop a plan in 2008-2009 for implementing the secondary education initiatives specified in (c) through (e) below by the 2009-2010 school year, except that secondary school districts previously subject to N.J.A.C. 6A:10 and 6A:10A shall immediately comply with the secondary education initiatives specified in this section.

(c) Secondary school districts shall have a school-level planning team to guide the development and implementation of the secondary education reforms described in this section.

A representative group of teachers and administrators shall determine team membership and operating procedures.

(d) Secondary school districts shall provide instructional services, professional development and other support to assist secondary schools with the implementation of the secondary education initiatives specified in this section.

(e) Secondary school districts shall create personalized learning environments that strengthen relationships among students, teachers, staff members, families and the larger community for students in grades six through 12. These may include:

1. Small learning communities in free-standing facilities or within larger facilities;
2. Ninth grade academies where freshman students remain together and are provided with a supportive environment to enhance their successful transition to high school;
3. Student support systems where students are assigned an adult mentor or team of adults who know(s) them and can support student efforts in achieving goals and solving problems;
4. Academies with a career focus;
5. Multi-grade academies where students at various grade levels may remain with a core group of teachers for multiple years in an academy-type format which may be organized around a particular theme and involve interdisciplinary teaming; or
6. Other practices for personalizing learning environments that strengthen relationships among students, teachers, staff members, families and the larger community.

(f) All secondary school districts shall implement academic coursework aligned to N.J.A.C. 6A:8-5.1 that prepares all students for success in postsecondary education and/or careers after graduation, including the development of academic skills integral to success in rigorous high school courses. Beginning in 2008-2009, all students entering grade nine shall complete by the end of their high school education, at a minimum, coursework in language arts literacy, mathematics and science. These shall include college level preparatory English I, II, III and IV, Algebra I, Lab Biology or the equivalent content taught in an integrated or career-based format, and other coursework as specified in N.J.A.C. 6A:8. All required courses shall:

1. Be developed, reviewed, evaluated and revised by a broad cross-section of teachers, content supervisors and principals;
2. Satisfy the Core Curriculum Content Standards and indicators in each content area according to the graduation requirements in N.J.A.C. 6A:8-5.1; and
3. Be aligned to the district curriculum which identifies the purpose of instruction, including the essential content

to be mastered in each course with interim benchmarks and assessments and final assessments.

(g) Secondary school districts that administer the high school State assessment and in which 10 percent or more of their students satisfy high school graduation requirements through the Special Review Assessment (SRA) shall submit to the Department of Education by November 15 of the subsequent school year, an analysis of all students who graduated by means of the SRA in the previous school year. The analysis shall include:

1. The names of high school courses and grades achieved for SRA students in language arts literacy, mathematics and science;
2. The attendance records for SRA students for each year of high school;
3. Review of the High School Proficiency Assessment (HSPA) and corresponding Grade Eight Proficiency Assessment (GEPA)/New Jersey Assessment of Skills and Knowledge 8 (NJ ASK 8) scores attained by students;
4. Review of whether SRA students were taught by appropriately certified staff in English, mathematics and science in grades nine through 12; and
5. Development of a plan for increasing the proportion of students graduating by means of the State high school assessment based on data.

(h) The Commissioner shall continue to consult with an advisory committee composed of educators with experience and knowledge in secondary education to guide the implementation of secondary education reform.

Amended by R.2009 d.393, effective December 21, 2009.  
See: 41 N.J.R. 1926(a), 41 N.J.R. 4701(b).

In (h), substituted "continue to" for "appoint and".

### SUBCHAPTER 3. PROGRAMS AND SERVICES FOR STUDENTS IN HIGH POVERTY AND IN HIGH NEED SCHOOL DISTRICTS

#### 6A:13-3.1 Class size in high poverty districts

(a) A high poverty school district as used in this chapter means a district in which 40 percent or more of the students are "at risk" as defined in P.L. 2007, c. 260.

(b) Class size in school districts in which 40 percent or more of the students are "at-risk" as defined in P.L. 2007, c. 260 shall not exceed 21 students in grades kindergarten through three, 23 in grades four and five and 24 students in grades six through 12; provided that if the district chooses to maintain lower class sizes in grades kindergarten through three, class sizes in grades four and five may equal but not exceed 25. Exceptions to these class sizes are permitted for

some physical education and performing arts classes, where appropriate.

(c) School districts previously subject to N.J.A.C. 6A:10A and 6A:10 shall implement the class size requirements set forth in this section during the 2008-2009 school year and all other school districts to which this section applies shall plan to implement the class size requirements beginning in the 2009-2010 school year and implement in the 2010-2011 school year.

Amended by R.2009 d.393, effective December 21, 2009.

See: 41 N.J.R. 1926(a), 41 N.J.R. 4701(b).

Added (a); recodified former (a) and (b) as (b) and (c); and in (c), inserted "plan to" and "and implement in the 2010-2011 school year".

### 6A:13-3.2 Full day kindergarten requirements

School districts in which 40 percent or more of the students are "at-risk" as defined in P.L. 2007, c. 260 shall maintain all existing full-day kindergarten programs with a teacher's aide for each classroom. Class size for these kindergarten classrooms shall not exceed 21 students. High poverty school districts that did not have full-day kindergarten with a teacher's aide and a class size of 21 students in 2008-2009 shall fully implement this requirement in 2010-2011.

Amended by R.2009 d.393, effective December 21, 2009.

See: 41 N.J.R. 1926(a), 41 N.J.R. 4701(b).

Substituted the first occurrence of "full-day" for "full day" and inserted the last sentence.

### 6A:13-3.3 Definition of high need school districts and implementation timeline

(a) A high need school district is defined as a school district in which 40 percent or more of the students are "at-risk" as defined in P.L. 2007, c. 260 and is at one or more of the following proficiency levels on State assessments:

1. Less than 85 percent of total students have achieved proficiency in language arts literacy on the New Jersey Assessment of Skills and Knowledge (NJ ASK) 3;
2. Less than 80 percent of total students have achieved proficiency in language arts literacy on the NJ ASK 8;
3. Less than 80 percent of total students have achieved proficiency in language arts literacy on the HSPA;
4. Less than 85 percent of total students have achieved proficiency in mathematics on the NJ ASK 4;
5. Less than 80 percent of total students have achieved proficiency in mathematics on the NJ ASK 8; and/or
6. Less than 80 percent of total students have achieved proficiency in mathematics on the high school State assessment.

(b) On an annual basis, beginning in 2008, the Department of Education shall identify the list of high need school districts based on the State assessments results, and shall promptly notify the districts that are classified as high need.

Except as required by (c) below, in the first school year immediately following identification as a high need district, such districts shall begin planning for implementation of, and shall implement where possible, the designated program(s) (language arts and/or math literacy) as required below. In the subsequent year following identification as a high need district, such districts shall fully implement the designated program(s). High need school districts, once identified, shall remain in that status and shall continue to implement the designated program(s) for a minimum of three years.

(c) High need school districts previously subject to N.J.A.C. 6A:10A and 6A:10 shall implement the language arts literacy programs and services required by this subchapter during the 2008-2009 school year.

### 6A:13-3.4 Language arts literacy

(a) Intensive early literacy for grades preschool through three. High need school districts where less than 85 percent of total students have achieved proficiency in language arts literacy on the New Jersey Assessment of Skills and Knowledge (NJ ASK) 3 shall provide an intensive early literacy program for preschool to grade three to ensure that all students achieve proficiency on State standards. The intensive early literacy program shall include the following components:

1. An emphasis on small group instruction in at least reading, writing and technology;
2. A comprehensive early literacy assessment program that includes:
  - i. Assessment of English language learners (ELLs) in accordance with N.J.A.C. 6A:15-1.3;
  - ii. A reading measure used minimally at the beginning of grades kindergarten through three to determine the reading skills and strategies students have mastered;
  - iii. On-going performance-based assessments;
  - iv. A comprehensive diagnostic assessment of individual students who are exhibiting persistent difficulty in reading following a sustained period of targeted instruction; and
  - v. An annual end-of-year achievement assessment of reading with a norm-referenced and/or criterion-referenced test in grades one and two;
3. At least a daily 90-minute, uninterrupted language arts literacy block in grades kindergarten through three with guidance in the use of that time that may include the following instructional strategies:
  - i. Use of a reading measure to differentiate student needs;
  - ii. Small group instruction;
  - iii. Direct instruction;

- iv. Guided reading; and
  - v. Shared reading;
4. Instructional materials that include concepts and themes from other content areas;
5. Professional development opportunities for teachers that focus on the elements of intensive early literacy, ways to assist students who exhibit persistent difficulty in reading, or other related topics that have been identified by these teachers as professional development needs and are reflected in the school and school district professional development plans pursuant to N.J.A.C. 6A:9-15;
6. Consistent and adequate opportunities for teachers to discuss and analyze student work, interim progress measures and assessment results, and to plan any modifications in grouping and/or instruction that may be indicated, consistent with this section;
7. A classroom library that reflects the diversity and needs of all students and includes assistive technology;
8. Use of a highly skilled literacy coach or certified teacher to coordinate professional development and collaboration based on the school and school district professional development plan, if documented as necessary to increase achievement of early literacy; and
9. Methods to involve parents and family members in student learning.

(b) Intensive literacy for grades four through eight. High need school districts where less than 80 percent of total students have achieved proficiency in language arts literacy on the NJ ASK 8 shall implement an intensive literacy program for grades four through eight that includes the following components:

1. A comprehensive literacy assessment for grades four through eight as part of the school district's curriculum to measure individual and group progress indicated below:
  - i. Benchmark analysis that gauges students' performance and is used to assist school staff in determining skills that students still need to attain; and
  - ii. Assessment of English language learners (ELLs) pursuant to N.J.A.C. 6A:15-1.3;
2. Emphasis on small group instruction with scheduling of double periods, including appropriate classroom materials for small group instruction with evidence-based interventions and additional time for students who are not proficient in language arts literacy;
3. Professional development opportunities for teachers and administrators that are based on effective instructional practices including:
  - i. Enhancing knowledge of the language arts literacy content and pedagogy to engage all students; and

- ii. Learning how and having opportunities to analyze student work and assessment results in a collaborative setting; and

4. Involving parents and family members in student learning.

(c) Language arts literacy for students in grades nine through 12. High need school districts where less than 80 percent of total students have achieved proficiency in language arts literacy on the high school State assessment shall implement a language arts literacy program aligned with college preparatory English I, II, III and IV for grades nine through 12 that incorporates the elements in (b) above with the exception of providing a double period for language arts literacy.

Amended by R.2009 d.393, effective December 21, 2009.

See: 41 N.J.R. 1926(a), 41 N.J.R. 4701(b).

In (c), inserted "with the exception of providing a double period for language arts literacy".

### 6A:13-3.5 Mathematics

(a) Mathematics instruction throughout the elementary and middle schools should be designed to prepare all students for rigorous mathematics at the high school level.

(b) Math literacy for students in grades three through four. High need school districts in which less than 85 percent of total students have achieved proficiency in mathematics on the New Jersey Assessment of Skills and Knowledge (NJ ASK) 4 shall implement a comprehensive program for mathematics education that prepares students in grades three through four for success in higher order mathematics and that includes the following components:

1. A curriculum that simultaneously develops conceptual understanding, computational fluency and problem solving skills, with meaningful instruction and a focus on critical mathematics skills as part of a successful learning experience;
2. Mathematical reasoning that occurs in contextual learning;
3. An emphasis on communicating mathematics concepts both verbally and in writing;
4. The use of frequent questions and opportunities for class discussion in addition to the math textbook activities to improve student problem solving ability;
5. Professional development in both mathematics content and in the elements of mathematics pedagogy specified in this section, related to the appropriate grade and based on individual professional needs, pursuant to N.J.A.C. 6A:9-15;
6. Use of appropriate instructional materials, technology and manipulatives, aligned with the CCCS in mathematics, that lead students through concrete, symbolic and abstract mathematical thinking;

7. Multiple assessments and benchmarks, including use of formative assessments;

8. Differentiated instruction;

9. Explicit mathematics instruction for struggling students to ensure that these students possess the foundational skills and conceptual knowledge necessary for understanding the mathematics they are learning at their grade level; and

10. Methods to involve parents and family members in student learning.

(c) Math literacy for students in grades five through eight. High need school districts where less than 80 percent of total students have not achieved proficiency in mathematics on the NJ ASK 8 shall implement a comprehensive program for mathematics education that prepares all students in grades

five through eight for success in Algebra at the high school level and that incorporates the elements in (b) above.

(d) Math literacy for students in grades nine through 12. High need school districts where 80 percent or more of total students have not achieved proficiency in mathematics on the high school State assessment shall implement a comprehensive program for mathematics education for grades nine through 12 which incorporates the elements in (b) above and that is aligned to course expectations as required to meet graduation requirements.

Amended by R.2009 d.393, effective December 21, 2009.

See: 41 N.J.R. 1926(a), 41 N.J.R. 4701(b).

In (c) and (d), substituted "comprehensive" for "mathematics literacy"; in (c) inserted "for mathematics education"; and in (d), inserted "mathematics education for".