

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).

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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.

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SUBCHAPTER 1. GENERAL PROVISIONS

6A:8-1.1 Purpose

(a) The Core Curriculum Content Standards define what all students should know and be able to do by the end of their public school education.

1. The Core Curriculum Content Standards 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 career education and consumer, family, and life skills.

2. The Core Curriculum Content Standards are further delineated by cumulative progress indicators at benchmark grade levels. These cumulative progress indicators further clarify expectations for student achievement.

(b) 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.

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

(d) 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.

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 students with limited English proficiency 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.

“All students” means every student enrolled in public elementary, secondary, and adult high school education programs within the State of New Jersey, including general education students, students with disabilities, and students with limited English proficiency.

“APA” means the Alternate Proficiency Assessment, to be used to determine cumulative student achievement of the knowledge and skills specified by the Core Curriculum Content Standards, for students with disabilities who are unable to participate in the elementary component of the Statewide assessment for grades three through seven, the grade eight component of the Statewide assessment, or the HSPA in accordance with N.J.A.C. 6A:14-4.10.

“Approved private schools for the disabled” means the incorporated entities approved by the Department of Education according to N.J.A.C. 6A:14-7.2 or 7.3 to provide special education and related services to students with disabilities who have been placed by the district board of education or charter school responsible for providing their education.

“Assessment” means a State-developed or State-approved standardized instrument or process that measures student performance levels on the Core Curriculum Content Standards.

“Career awareness, exploration, and preparation” means instruction and programs which assist students to clarify career goals, explore career possibilities, develop employability skills, develop foundational knowledge necessary for success in the workplace, and make the transition from school to careers, including postsecondary education or training and employment.

“Charter school” means a public school operated under a charter granted by the Commissioner and independently of a district board of education, with a board of trustees as the public agents authorized by the State Board of Education to supervise and control the charter school.

“Chief school administrator” means the superintendent of schools or, if there is no superintendent in the school district, the administrative principal who works directly with the district’s board of education.

“Commissioner” means the Commissioner, New Jersey State Department of Education, or his or her designee.

“Core Curriculum Content Standards” means statements adopted by the State Board of Education May 1, 1996, and as thereafter revised by the State Board, which describe the knowledge and skills all New Jersey students are expected to acquire by benchmark grades. These standards are established for the provision of a thorough and efficient education pursuant to N.J.S.A. 18A:7F-4 and as a basis for the evaluation of school districts in accordance with N.J.A.C. 6A:30-1.4.

“Credit” means the award for the equivalent of a class period of instruction which meets for a minimum of 40 minutes, one time per week, during the school year.

“Cumulative progress indicators” means the statements which further delineate the Core Curriculum Content Standards.

“Curriculum frameworks” means documents published by the Department of Education, either in hard copy or in electronic format, that include and elaborate on the Core Curriculum Content Standards for kindergarten through grade 12 education and that may assist in the development of local curricula.

“Cut scores” means scores on the assessment scales that demarcate the various performance levels (that is, partially proficient, proficient, and advanced proficient).

“District boards of education” means, for purposes of this chapter, 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.

“ECPA” means Early Childhood Program Aid, which, pursuant to N.J.S.A. 18A:7F-16, is distributed to all school districts with high concentrations of low-income students for the purpose of providing full-day kindergarten and preschool classes and other early childhood programs and services.

“English Language Proficiency Standards” means the most recent alignment of New Jersey’s ESL standards to the “ESL Standards for Pre-K through 12 Students” pursuant to N.J.A.C. 6A:15-1.4(c)1.

“ESL” means English as a second language.

“Evaluation,” formerly called “monitoring,” means the process by which the Commissioner of Education or his or her designee evaluates the status of each school district or charter school.

“504 plan” means a written educational plan prepared by the 504 team for a 504 student.

“504 student” means a student who has a physical or mental impairment which substantially limits a major life function; has been determined eligible for services, including accommodations and modifications by the school district’s 504 team; and has a 504 plan.

“504 team” means a group of persons which makes program and placement decisions according to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and 34 CFR § 104.35(c).

“GED” means tests of General Educational Development taken in order to qualify for a State-issued high school diploma.

“Gifted and talented students” means those students who possess or demonstrate high levels of ability, in one or more content areas, when compared to their chronological peers in the local school district and who require modifications of their educational program if they are to achieve in accordance with their capabilities.

“HSPA” means the High School Proficiency Assessment, which is used to determine student achievement of the knowledge and skills specified by the Core Curriculum Content Standards.

“IEP” means Individualized Education Program, which is a written plan for students with disabilities developed at a meeting according to N.J.A.C. 6A:14-2.3 that sets forth present levels of performance, measurable annual goals, and short-term objectives or benchmarks, and describes an integrated, sequential program of individually designed instructional activities and related services necessary to achieve the stated goals and objectives.

“IEP Team” means the group of individuals who are responsible for the development, review, and revision of the student’s Individualized Education Program as specified in N.J.A.C. 6A:14-2.3.

“Instructional adaptation” means an adjustment or modification to instruction enabling students with disabilities, students with limited English proficiency, or students who are gifted and talented to participate in, benefit from, and/or demonstrate knowledge and application of the Core Curriculum Content Standards.

“LEP” means limited English proficient.

“LLS” means the Language Learning Solutions online proficiency-based assessment for world languages.

“Magnet program” means a distinctive program designed to:

1. Attract students by offering a specialized curriculum based on a special theme or method of instruction; and
2. Substantially strengthen the knowledge of academic subjects and the attainment of tangible and marketable vocational, technological, and professional skills of students attending the program.

“MOPPI” means the ACTFL Modified Oral Proficiency Interview, which is a standardized assessment of functional speaking ability often used to test the lower proficiency ranges.

“Native language” means the language or mode of communication first learned by the student.

“OPI” means the ACTFL Oral Proficiency Interview, which is a standardized assessment of functional speaking ability currently available in 37 different world languages.

“Partially proficient” means a score achieved by a student below the cut score which demarks a solid understanding of the content measured by an individual section of any State assessment.

“Performance assessment” means observing and evaluating demonstrations of what students know and can do, including such things as essays, portfolios of student work, performance tasks, projects, laboratory reports, and structured learning experiences.

“Performance level” means one of several categories describing student proficiency with regard to the achievement of the State’s Core Curriculum Content Standards defined by cumulative progress indicators.

“Proficient” means a score achieved by a student at or above the cut score which demarks a solid understanding of the content measured by an individual section of any State assessment.

“Rehabilitation Act” means the Federal Rehabilitation Act of 1973, 29 U.S.C. §§ 701 et seq., as amended in 1992.

“SETC” means the State Employment and Training Commission established under P.L. 1989, c.295 to develop and assist in the implementation of a State employment and training policy.

“SRA” means Special Review Assessment, which is an alternative assessment that measures achievement of the Core Curriculum Content Standards.

“State Board” means the New Jersey State Board of Education.

“State-endorsed diploma” means a document awarded to an exiting student indicating successful completion of high school graduation requirements.

“Structured learning experience” means experiential, supervised educational activities linked to the Core Curriculum Content Standards and designed to provide students with exposure to the requirements and responsibilities of specific job titles or job groups, and to assist them in gaining employment skills and making career and educational decisions. A structured learning experience may be either paid or unpaid, depending on the type of activities in which the student is involved.

“Transcript” means a document for all students exiting the public education system that describes a student’s progress toward achievement of the Core Curriculum Content Standards and other relevant experiences and achievements.

“Vocational-technical education program” means a sequence of academic and vocational courses designed to provide students with the industry-based skills and knowledge needed to gain employment in a particular occupation or career area or to pursue further education at the post-secondary level.

“WIB” means a regional/county Workforce Investment Board established under Executive Order No. 36(1995) to plan and coordinate all the workforce development programs within its area.

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

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

Rewrote “All students” and “APA”; added “GED”; in “Core Curriculum Content Standards” and “IEP team” amended the N.J.A.C. references.

Amended by R.2003 d.430, effective November 3, 2003.

See: 35 N.J.R. 2551(a), 35 N.J.R. 5077(a).

In “APA”, deleted “Core Curriculum Content Standards for Students with Severe Disabilities and/or the” following “specified by the” and amended the N.J.A.C. reference; in “Core Curriculum Content Standards”, deleted reference to benchmark grades four, eight, and 11-12; deleted “Core Curriculum Content Standards for Students with Severe Disabilities”; in “WIB”, deleted “Governor Christine Todd Whitman’s” preceding “Executive Order”.

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).

Updated the N.J.A.C. references in definitions “APA”, “IEP” and “IEP Team”.

SUBCHAPTER 2. THE CORE CURRICULUM CONTENT STANDARDS

6A:8-2.1 Authority for educational goals and standards

(a) The State Board of Education is responsible for establishing State educational goals and standards according to P.L. 1990, c.52, P.L. 1991, c.3 and P.L. 1991, c.62.

1. In July 2002, the State Board adopted by resolution revised Core Curriculum Content Standards and associated cumulative progress indicators in language arts literacy, mathematics, and science, which establish the basis for local curriculum and instruction, the Statewide assessment system, and evaluation of local district boards of education.

2. In April 2004, the State Board adopted revised Core Curriculum Content Standards and associated cumulative progress indicators in language arts literacy, visual and performing arts, comprehensive health and physical education, world languages, technological literacy, and career education and consumer, family, and life skills.

3. In July 2004, the State Board adopted the Preschool Teaching and Learning Expectations: Standards of Quality, to serve as standards of quality for State-funded public school preschool programs in New Jersey.

4. In October 2004, the State Board adopted revised Core Curriculum Content Standards and associated cumulative progress indicators in social studies.

5. The State Board on or before May 2008 will initiate a review and reoption process for the Core Curriculum Content Standards and the Preschool Teaching and Learning Expectations: Standards of Quality. This process will be repeated every five years thereafter, based on recommendations by the Commissioner according to the following procedure:

i. The Commissioner shall convene advisory panels of public school educators, higher education representatives, business representatives, and other citizens, to review and, if necessary, to recommend modifications to the Core Curriculum Content Standards and the associated cumulative progress indicators within a scheduled period of time established by the Commissioner.

ii. The Commissioner shall present to the State Board for consideration at a public meeting any recommended revisions to the Core Curriculum Content Standards and the associated cumulative progress indicators.

iii. Advanced notice(s) of the State Board meeting at which the recommended Core Curriculum Content Standards will be considered shall be published in the New Jersey Register.

iv. The State Board will conduct public hearings on the Commissioner's recommendations at dates, times, and locations announced in the New Jersey Register.

v. Upon State Board adoption, the Commissioner shall publish and distribute to district boards of education and the general public the revised Core Curriculum Content Standards.

Amended by R.2001 d.182, effective June 4, 2001.

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

In (a), added a new 3, recodified former 3 as 4 and inserted "and the Early Childhood Education Program Expectations: Standards of Quality" following "Disabilities".

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

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

Rewrote (a)2.

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:8-2.2 Authority for the State Plan for Vocational Education

(a) The State Board shall serve as required by P.L. 105-332 and designated by N.J.S.A. 18A:59-5 as the sole agency 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 students with limited English proficiency, and for students who are gifted and talented.

1. The Department of Education shall provide district boards of education with curriculum frameworks 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 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:9-15.1 and 16.1.

7. District boards of education shall be responsible for developing English language assistance programs for limited English proficient students 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.

(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.

(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.

6A:8-3.2 Career education and counseling

(a) 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.

(b) 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.

(c) 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.

(d) 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.

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 solid understanding of the knowledge and skills delineated by the Core Curriculum Content Standards at grade levels three through eight and 11 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 five major components: the elementary assessment component for grades three through seven, the grade eight assessment component, the High School Proficiency Assessment (HSPA), the Special Review Assessment (SRA), and the Alternate Proficiency Assessment (APA).

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

i. 2004-2005 Continued administration of mathematics and language arts literacy in grades three and four and administration of science in grade four;

ii. 2005-2006 Continued administration of mathematics and language arts literacy in grades three and four and science in grade four;

iii. 2006-2007 Administration of mathematics and language arts literacy in grades three, four, five, six, and seven, and continued administration of science in grade four; and

iv. 2007-2008 and 2008-2009 Continued administration of mathematics and language arts literacy in grades three, four, five, six, and seven, and science in grade four.

2. The Department shall implement the grade eight component of the Statewide assessment of the Core Curriculum Content Standards according to the following schedule:

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

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

i. 2004-2005 Continued administration of mathematics and language arts literacy in grade 11;

ii. 2005-2006 Administration of science and continued administration of mathematics and language arts literacy in grade 11;

iii. 2006-2007 Continued administration of mathematics, science, and language arts literacy in grade 11; and

iv. 2007-2008 and 2008-2009 Continued administration of mathematics, science, and language arts literacy in grade 11.

(d) All students at grade levels three through eight and 11-12, 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 limited English proficient (LEP) students 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 SRA to LEP students in their native language 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 LEP student a Department-approved language proficiency test for the language arts literacy section only of the elementary component of the Statewide assessment or the grade eight 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 SRA, 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. District boards of education, in implementing the SRA 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.

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
3. School and school district summary data, including school and school district means, numbers tested, and percent achieving at each performance level, with school district summary data aggregated and disaggregated, and school summary data disaggregated, for students with disabilities as defined by N.J.A.C. 6A:14-1.3 and for those who have limited English proficiency.

(b) District boards of education shall transmit within 10 days any official records, including transcripts, of those students who transfer to other school districts or institutions.

(c) District boards of education shall maintain an accurate record of each student's performance on Statewide assessments for review as required by the county superintendent of schools for school and district evaluation in accordance with N.J.A.C. 6A:30-1.4(a)2.

(d) District boards of education shall maintain, for every student, a ninth-grade through graduation transcript which contains the following, as available:

1. Results of all applicable State assessments;
2. Results of any English language proficiency assessments according to N.J.A.C. 6A:8-5.1(f)3i;
3. Evidence of instructional experience and performance in the Core Curriculum Content Standards;

4. Evidence of technological literacy;
5. Evidence of career education instructional experiences and career development activities;
6. The results of any industry certification tests linked to one or more industry-based standards for those students who participate in vocational-technical education programs; and
7. Any other information deemed appropriate by the district board of education.

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:8-4.3 Accountability

(a) Chief school administrators shall report the results of annual assessments to district boards of education within 30 days of receipt of information from the Department of Education.

(b) District boards of education shall provide parents, students, and citizens with the results of annual assessments according to N.J.A.C. 6A:8-4.2.

(c) District boards of education shall provide appropriate instruction to improve skills and knowledge for students performing below the established levels of student proficiency in any content area either on the Statewide or local assessments.

(d) All students shall be expected to demonstrate the knowledge and skills of the Core Curriculum Content Standards as measured by the Statewide assessment system.

6A:8-4.4 Annual review and evaluation of school districts

(a) The Department of Education shall review the performance of schools and school districts, using a percent of students performing at the proficient level as one measure of adequate yearly progress and incorporating a progress criterion indicative of systemic reform as defined in (a)1iv, 2iv, and 3iv below. The review shall include the performance of all students, including students with disabilities as defined by N.J.A.C. 6A:14-1.3, students from major racial and ethnic groups, economically disadvantaged students, and students who have limited English proficiency. This review shall take place at each grade level in which Statewide assessments are administered, using the following criteria:

1. A specified increasing percent of the total number of students tested and of each statistically viable subgroup of all third-, fourth-, and fifth-grade students tested in a school or school district, except those students who have enrolled after July 1 of the calendar year prior to the test administration, shall have scored at the proficient level, or higher, on the elementary component of the Statewide assessment and/or the APA, in each of the content areas assessed.

i. The specified increasing percent for the grade three assessment, the grade four assessment, the grade five assessment, and/or the corresponding APA shall be determined according to the following schedule:

(1) For the grade four assessment administered during the 2002-2003 and 2003-2004 academic years, language arts literacy 68 percent and mathematics 53 percent.

(2) For the grade three assessment and the grade four assessment administered during the 2004-2005, 2005-2006, and 2006-2007 academic years, language arts literacy 75 percent and mathematics 62 percent.

(3) For the grade three assessment, the grade four assessment, and the grade five assessment administered during the 2007-2008, 2008-2009, and 2009-2010 academic years, language arts literacy 82 percent and mathematics 73 percent.

(4) For the grade three assessment, the grade four assessment, and the grade five assessment administered during the 2010-2011, 2011-2012, and 2012-13 academic years, language arts literacy 91 percent and mathematics 85 percent.

ii. Statistically viable subgroups are described in the State of New Jersey Consolidated State Application Accountability Workbook, on the Department's website, at <http://www.nj.gov/njded/grants/nclb/workbook.pdf>.

iii. For the total third-, fourth-, and fifth-grade population of students tested, and for statistically viable subgroups of third-, fourth- and fifth-grade students, performance within five percentage points of the specified increasing percent, or higher, shall be considered as meeting the goal.

iv. For statistically viable subgroups of third-, fourth-, and fifth-grade students, and for the total student population, as an alternative to meeting the absolute criteria in (a)1i above, adequate yearly progress may be demonstrated by meeting the following safe harbor criteria:

(1) The percentage of students in the group scoring below the proficient level on the appropriate Statewide assessment decreased by at least 10 percent from the preceding year; and

(2) The group made progress on the other academic indicators utilized for the evaluation of the performance of school districts in N.J.A.C. 6A:30-1.4(a)3 and 4.

v. Proficient and advanced proficient scores from the APA will be included as such in the calculation for a school or school district provided the number of those students who score at the proficient or advanced proficient level in the school district does not exceed 1.0 percent of all students in the grades assessed in lan-

guage arts literacy and in mathematics. Proficient or advanced proficient APA scores above the 1.0 percent cap shall be included as partially proficient unless the school district has been granted an exception by the Department of Education.

2. A specified increasing percent of the total number of students tested and of each statistically viable subgroup of all sixth-, seventh-, and eighth-grade students tested in a school or school district, except those students who have enrolled after July 1 of the calendar year prior to the test administration, shall have scored at the proficient level, or higher, on the elementary component of the Statewide assessment or the grade eight component of the Statewide assessment and/or the APA, in each of the content areas assessed.

i. The specified increasing percent for the grade six assessment, the grade seven assessment, the grade eight assessment, and/or the corresponding APA shall be determined according to the following schedule:

(1) For the grade eight assessment administered during the 2002–2003 and 2003–2004 academic years, language arts literacy 58 percent and mathematics 39 percent.

(2) For the grade eight assessment administered during the 2004–2005, 2005–2006, and 2006–2007 academic years, language arts literacy 66 percent and mathematics 49 percent.

(3) For the grade six assessment, the grade seven assessment, and the grade eight assessment administered during the 2007–2008, 2008–2009, and 2009–2010 academic years, language arts literacy 76 percent and mathematics 62 percent.

(4) For the grade six assessment, the grade seven assessment, and the grade eight assessment administered during the 2010–2011, 2011–2012, and 2012–2013 academic years, language arts literacy 87 percent and mathematics 79 percent.

ii. Statistically viable subgroups are described in the State of New Jersey Consolidated State Application Accountability Workbook, on the Department's website, at <http://www.nj.gov/njded/grants/nclb/workbook.pdf>.

iii. For the total sixth-, seventh-, and eighth-grade population of students tested, and for statistically viable subgroups of sixth-, seventh-, and eighth-grade students, performance within five percentage points of the specified increasing percent, or higher, shall be considered as meeting the goal.

iv. For statistically viable subgroups of sixth-, seventh-, and eighth-grade students, and for the total student population, as an alternative to meeting the absolute criteria in (a)2i above, adequate yearly progress may be demonstrated by meeting the following safe harbor criteria:

(1) The percentage of students in the group scoring below the proficient level on the appropriate Statewide assessment decreased by at least 10 percent from the preceding year; and

(2) The group made progress on the other academic indicators utilized for the evaluation of the performance of school districts in N.J.A.C. 6A:30-1.4(a)3 and 4.

v. Proficient and advanced proficient scores from the APA will be included as such in the calculation for a school or school district provided the number of those students who score at the proficient or advanced proficient level in the school district does not exceed 1.0 percent of all students in the grades assessed in language arts literacy and in mathematics. Proficient or advanced proficient APA scores above the 1.0 percent cap shall be included as partially proficient unless the school district has been granted an exception by the Department of Education.

3. A specified increasing percent of the total number of students tested and of each statistically viable subgroup of 11th grade students tested in a school or school district as of July 1 of their 11th grade year shall have scored at the proficient level, or higher, in all content areas assessed on the spring administration of the HSPA in their 11th grade year and/or the APA.

i. The specified increasing percent for the HSPA and/or the corresponding APA shall be determined according to the following schedule:

(1) For the HSPA administered during the 2002–2003 and 2003–2004 academic years, language arts literacy 73 percent and mathematics 55 percent.

(2) For the HSPA administered during the 2004–2005, 2005–2006, and 2006–2007 academic years, language arts literacy 79 percent and mathematics 64 percent.

(3) For the HSPA administered during the 2007–2008, 2008–2009, and 2009–2010 academic years, language arts literacy 85 percent and mathematics 74 percent.

(4) For the HSPA administered during the 2010–2011, 2011–2012, and 2012–2013 academic years, language arts literacy 92 percent and mathematics 86 percent.

ii. Statistically viable subgroups are described in the State of New Jersey Consolidated State Application Accountability Workbook, on the Department's website, at <http://www.nj.gov/njded/grants/nclb/workbook.pdf>.

iii. For the total 11th-grade population of students tested, and for statistically viable subgroups of 11th grade students, performance within five percentage points of the specified increasing percent, or higher, shall be considered as meeting the goal.

iv. For statistically viable subgroups of 11th grade students, and for the total student population, as an alternative to meeting the absolute criteria in (a)3i above, adequate yearly progress may be demonstrated by meeting the following safe harbor criteria:

(1) The percentage of students in the group scoring below the proficient level on the appropriate Statewide assessment decreased by at least 10 percent from the preceding year; and

(2) The group made progress on the other academic indicators utilized for the evaluation of the performance of school districts in N.J.A.C. 6A:30-1.4(a)3 and 4.

v. Proficient and advanced proficient scores from the APA will be included as such in the calculation for a school or school district provided the number of those students who score at the proficient or advanced proficient level in the school district does not exceed 1.0 percent of all students in the grades assessed in language arts literacy and in mathematics. Proficient or advanced proficient APA scores above the 1.0 percent cap shall be included as partially proficient unless the school district has been granted an exception by the Department of Education.

4. District boards of education with a statistically viable LEP subgroup may choose to count, as LEP, former LEP students for up to two years after they have demonstrated English proficiency and exited the LEP program. District boards of education that choose to count former LEP students as LEP must count all former LEP students who have exited within the past two years.

i. Statistically viable subgroups are described in the State of New Jersey Consolidated State Application Accountability Workbook, on the Department's website, at <http://www.nj.gov/njded/grants/nclb/workbook.pdf>.

(b) The Department of Education, in accordance with N.J.S.A. 18A:7A-10, shall annually review individual school performance on applicable Statewide assessments relative to achieving the Core Curriculum Content Standards according to the criteria specified in (a)1 through 3 above.

1. District boards of education subject to evaluation according to N.J.A.C. 6A:30, other than county special services school districts, educational services commissions, and jointure commissions, shall ensure that each school which does not achieve State standards as determined by performance on applicable Statewide assessments develops and implements a school-level improvement plan including measurable objectives to address deficiencies

identified by the assessments and to comply with any correspondent Federal sanctions.

2. District boards of education subject to evaluation according to N.J.A.C. 6A:30, other than county special services school districts, educational services commissions, and jointure commissions, shall ensure that each school which achieves State standards creates measurable school-level objectives that address improvement in any area contained within the Core Curriculum Content Standards.

3. District boards of education subject to evaluation according to N.J.A.C. 6A:30, other than county special services school districts, educational services commissions, and jointure commissions, shall submit all school-level improvement plans and objectives annually to the county superintendents as part of the quality assurance annual report (QAAR) in accordance with N.J.A.C. 6A:30-1.4(a)1.

4. Charter schools shall submit all school-level improvement plans and objectives annually to the county superintendents as part of the annual report in accordance with N.J.S.A. 18A:36A-16(b).

(c) The Department of Education, in accordance with N.J.A.C. 6A:30-2.1, shall evaluate a district board of education subject to evaluation according to N.J.A.C. 6A:30, other than county special services school districts, educational services commissions, and jointure commissions, every seven years. The evaluation will be based, in part, on a district board of education's performance in achieving the proficiency levels of the Core Curriculum Content Standards as measured at each grade level in which Statewide assessments are administered.

1. A district board of education subject to evaluation according to N.J.A.C. 6A:30, other than county special services school districts, educational services commissions, and jointure commissions, may be certified if it meets the applicable criteria in (a)1 through 3 above, developed pursuant to N.J.A.C. 6A:8-4.1(a) and (b).

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

Rewrote (a); in (b), substituted "8" for "6" preceding "above" in the introductory paragraph; in (c), substituted "8" for "6" preceding "above" in 1.

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

Rewrote (a); in (b), substituted "3" for "8" preceding "above" in the introductory paragraph; in (c), substituted "3" for "8" preceding "above" in 1 and deleted 2.

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:8-4.5 Public reporting

(a) The Department of Education shall report annually to the State Board and the public on the progress of all students and student subgroups in meeting the Core Curriculum Content Standards as measured by the Statewide assessment system by publishing and distributing the De-

partment's annual New Jersey School Report Card in accordance with N.J.S.A. 18A:7E-2 through 5 and the New Jersey Open Public Records Act (P.L. 2001, c.404), N.J.S.A. 47:1A-1 et seq.

(b) The Department of Education, after each test administration, shall report to district boards of education on the performance of all students and on the performance of student subgroups.

(c) The Department of Education shall report performance on the APA with the same frequency and in the same detail as it reports on other Statewide assessments, including school and school district means and the number and percentage of participating students.

(d) The Department of Education shall only publicly report summary performance data if doing so would not compromise the confidentiality of individual students.

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), substituted "2002" for "2001".

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 5. IMPLEMENTATION OF GRADUATION REQUIREMENTS

6A:8-5.1 Graduation requirements

(a) District boards of education shall develop, adopt, and implement requirements for a State-endorsed diploma which include the following:

1. Local high school graduation requirements including one or both of the following two options:

i. Participation in a local program of study of not fewer than 110 credits in courses designed to meet all of the Core Curriculum Content Standards, including, but not limited to, the following credits:

(1) At least 20 credits in language arts literacy;

(2) At least 15 credits in mathematics;

(3) At least 15 credits in science effective with the 2000-2001 grade nine class;

(4) At least 15 credits in social studies, including satisfaction of N.J.S.A. 18A:35-1 and 2;

(5) At least 3¾ credits in health, safety, and physical education during each year of enrollment, distributed as 150 minutes per week, as required by N.J.S.A. 18A:35-5, 7 and 8;

(6) At least 10 credits in visual, performing, and/or practical arts effective with the 2001-2002 grade nine class and for those entering grade nine prior to the 2004-2005 school year; at least five credits in visual and performing arts effective with the 2004-2005 grade nine class;

(7) At least five credits in world languages or student demonstration of proficiency as set forth in ii(4) below effective with the 2004-2005 grade nine class;

(8) Technological literacy, consistent with the Core Curriculum Content Standards, integrated throughout the curriculum; and

(9) At least five credits in career education and consumer, family, and life skills, or vocational-technical education effective with the 2004-2005 grade nine class; or

ii. The 110-credit requirement set forth in (a)1i above may be met in whole or in part through program completion as follows:

(1) District boards of education may determine and establish curricular activities or programs aimed at achieving the Core Curriculum Content Standards for promotion and graduation purposes.

(A) Curricular activities and programs may involve in-depth experiences linked to the Core Curriculum Content Standards, such as interdisciplinary or theme-based programs, independent study, co-curricular or extra-curricular activities, magnet programs, student exchange programs, distance learning opportunities, internships, community service, or other structured learning experiences.

(B) Programs and appropriate assessments shall be planned for individuals and/or a group based on specific instructional objectives aimed at meeting or exceeding the Core Curriculum Content Standards.

(C) The principal shall certify completion of curricular activities or programs based upon specified instructional objectives aimed at meeting or exceeding the Core Curriculum Content Standards.

(D) Group programs based upon specific instructional objectives aimed at meeting or exceeding the Core Curriculum Content Standards shall be approved in the same manner as other approved courses.

(E) Individual programs based upon specific instructional objectives aimed at meeting or exceeding the Core Curriculum Content Standards shall be on file in the school district and subject to review by the Commissioner or his or her designee;

(2) District boards of education may utilize performance or competency assessment to approve student completion of programs aimed at meeting or exceeding the Core Curriculum Content Standards at the secondary level, including those occurring all or in part prior to a student's high school enrollment;

(3) District boards of education may recognize successful completion of an accredited college course that assures achievement of knowledge and skills as delineated in the Core Curriculum Content Standards or includes learning that builds on and goes beyond the standards;

(4) District boards of education shall choose from among the following assessment options to determine if students have achieved the level of language proficiency designated as Novice-High as defined by the American Council on the Teaching of Foreign Languages (ACTFL) and recognized as fulfilling the world languages requirement of the Core Curriculum Content Standards:

(A) The Language Learning Solutions (LLS) online assessment;

(B) The ACTFL Oral Proficiency Interview (OPI) or Modified Oral Proficiency Interview (MOPI); or

(C) Department-approved locally designed competency-based assessments;

2. Local student attendance requirements;
3. Any other requirements established by the district board of education;
4. Any statutorily mandated requirements for earning a high school diploma; and
5. The requirement that all students demonstrate proficiency in all sections of the HSPA or SRA process applicable to the class graduating in the year they meet all other graduation requirements.
6. Starting with those students graduating from an adult high school in the 2004-2005 academic year, students shall demonstrate proficiency in all sections of the HSPA or SRA process for any subjects not yet passed on a previously approved Statewide assessment required for graduation.

(b) District boards of education may count Advanced Placement (AP) courses or college credit courses as fulfilling credit requirements in (a)1i above or program completion requirements in (a)1ii above.

(c) District boards of education, through the IEP process and pursuant to N.J.A.C. 6A:14-4.11, Graduation, may, for individual students with disabilities as defined in N.J.A.C. 6A:14-1.3, specify alternate requirements for a State-endorsed diploma.

1. District boards of education shall specifically address any alternate requirements for graduation in a student's IEP, in accordance with N.J.A.C. 6A:14-4.11.

2. District boards of education shall develop and implement procedures for assessing whether a student has met any alternate requirements for graduation individually determined in an IEP.

(d) District boards of education shall provide their graduation requirements to the Commissioner and update this filed copy as their graduation policies are revised.

(e) District boards of education shall provide, in accordance with N.J.S.A. 18A:7C-5, each student entering high school and his or her parents or legal guardians with a copy of the district board of education's requirements for a State-endorsed diploma, and those programs available to assist students in attaining a State-endorsed diploma.

(f) District boards of education shall provide students who have not demonstrated proficiency on one or more sections of the HSPA following the 11th grade with the opportunity to demonstrate such competence through both repeated administrations of the HSPA and the SRA process.

1. District boards of education shall submit the results of the SRA process to the appropriate county superintendent of schools by March 31 of each year for approval for graduation in June of the same year.

2. County superintendents, as the Commissioner's designees, shall review the results of each student's SRA and recommend to the Commissioner either approval or disapproval for graduation.

3. All students of limited English proficiency shall satisfy the requirements for high school graduation according to (a)1 through 3 above, except that any students of limited English proficiency may demonstrate that they have attained State minimum levels of proficiency through:

- i. Passage of the SRA process in their native language and passage of an English fluency assessment approved by the Department of Education; or
- ii. Passage of the SRA process in English with appropriate accommodations.

4. Students with disabilities as defined in N.J.A.C. 6A:14-1.3 or eligible under Section 504 of the Rehabilitation Act and who participate in the SRA process are not required to participate in repeated administrations of the HSPA.

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 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.

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 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) 3, 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-endorsed 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) Starting in the 2002-2003 academic year, district boards of education shall award a State-endorsed high school diploma to any individual who:

1. Has performed at a proficient or advanced proficient level of achievement in all sections of the HSPA;
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, if a student currently enrolled in a public school, formally requested such early award of a State-endorsed high school diploma.

(e) 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 SRA 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.

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).