

CHAPTER 30**ADULT EDUCATION PROGRAMS****Authority**

N.J.S.A. 18A:1-1, 18A:4-15, 18A:7C-1 et seq., 18A:27-2, 18A:48-1, 18A:49-1 through 8, 18A:50-12, 13 and 14, and the Adult Education Act, 20 U.S.C. §§ 1201 et seq.

Source and Effective Date

R.2000 d.359, effective August 3, 2000.
See: 32 N.J.R. 2005(a), 32 N.J.R. 3336(a).

Executive Order No. 66(1978) Expiration Date

Chapter 30, Adult Education Programs, expires on August 3, 2005.

Chapter Historical Note

Chapter 30, Adult and Community Education, was originally codified as N.J.A.C. 6:44-6, High School Equivalency, and N.J.A.C. 6:44-7, Adult High Schools (Accredited Evening High Schools). N.J.A.C. 6:44-6 and 7 were recodified as N.J.A.C. 6:30-1 and 2 by R.1982 d.39, effective February 16, 1982, with N.J.A.C. 6:44-1 operative October 1, 1982. See: 13 N.J.R. 721(a), 14 N.J.R. 205(c).

Pursuant to Executive Order No. 66(1978), Chapter 30, Adult and Community Education, was readopted as R.1986 d.310, effective July 7, 1986. See: 18 N.J.R. 871(b), 18 N.J.R. 1561(a).

Chapter 30, Adult and Community Education, was repealed and Chapter 30, Adult Education Programs, was adopted as new rules by R.1988 d.311, effective July 5, 1988. See: 20 N.J.R. 700(a), 20 N.J.R. 1540(a).

Pursuant to Executive Order No. 66(1978), Chapter 30, Adult Education Programs, was readopted as R.1993 d.267, effective May 11, 1993. See: 25 N.J.R. 1112(a), 25 N.J.R. 2264(a). Pursuant to Executive Order No. 66(1978), Chapter 30 expired on May 11, 1994.

Chapter 30, Adult Education Programs, was adopted as new rules by R.1994 d.286, effective June 6, 1994. See: 26 N.J.R. 884(b), 26 N.J.R. 2257(a).

Pursuant to Executive Order No. 22(1994), the expiration date of Chapter 30, Adult Education Programs, was extended from June 6, 1999 to December 6, 2000. See: 26 N.J.R. 3783(a), 26 N.J.R. 3942(a).

Pursuant to Executive Order No. 66(1978), Chapter 30, Adult Education Programs, was readopted as R.2000 d.359, effective August 3, 2000. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS**6:30-1.1 Purpose and functions**

(a) The purpose of adult basic skills and literacy programs is to provide comprehensive life-long learning opportunities for adults.

(b) The Bureau of Adult Education and Family Literacy within the Division of Academic and Career Standards is responsible for:

1. Providing educational leadership for the programs cited in this chapter;
2. Allocating funds to local school districts, county community colleges, county and State institutions, and nonprofit and for profit agencies and organizations for the operation of programs cited in this chapter;
3. Evaluating the programs cited in this chapter;
4. Providing technical assistance and training to programs cited in this chapter;
5. Supervising General Educational Development (GED) Testing Centers;
6. Evaluating college transcripts of persons applying for a State-issued high school diploma; and
7. Awarding State-issued high school diplomas to applicants meeting the requirements for diploma issuance.

Amended by R.2000 d.359, effective September 5, 2000.
See: 32 N.J.R. 2005(a), 32 N.J.R. 3336(a).

In (b), rewrote the introductory paragraph.

6:30-1.2 Age and out-of-school requirements

(a) In order to participate in programs described in this chapter, a person must be at least 16 years of age and no longer enrolled in school.

(b) Requests to participate in programs described in N.J.A.C. 6:30-2 and 3 from persons 16 and 17 years of age domiciled in a natural or foster home shall be accompanied by a Certificate of Consent to Participate signed by a parent, guardian, probation or parole officer, State rehabilitation counselor or a judge.

(c) Requests to participate in programs described in N.J.A.C. 6:30-2 and 3 from persons 16 or 17 years of age who are domiciled in a State, county or municipal institution, or in a residential program, must be accompanied by a Certificate of Consent to Participate signed by either a parent or guardian, or when neither is available, a surrogate parent.

1. Each institution shall ensure that the rights of a youth are protected through the provision of a surrogate parent who shall assume all parental rights under this chapter, when either:

- i. The parent(s) cannot be located after reasonable efforts; or
- ii. The youth is a ward of the State of New Jersey.

2. Each institution shall establish a method for selecting and training surrogate parents.

3. The person serving as a surrogate parent shall have:

- i. No interest that conflicts with those of the youth he or she represents; and
- ii. Knowledge and skills that ensure adequate representation of the youth.

4. A surrogate parent may be paid solely to act in that capacity. Persons serving as surrogate parents may not otherwise be employees of the institution.

(d) Requests to participate in programs described in N.J.A.C. 6:30-2 and 3 from emancipated minors, who are at least 16 years of age, shall be accompanied by a Certificate of Consent to Participate signed by a judge appointed in the State of New Jersey. For purposes of this chapter, an "emancipated minor" is a person 16 or 17 years of age, domiciled in an independent housing arrangement and not responsible to natural or foster parents or a guardian.

(e) Programs as described in N.J.A.C. 6:30-2 and 3 shall accept all requests to participate, as space allows, from residents of New Jersey who are at least 16 years of age and no longer enrolled in school. Participation in programs shall not be limited in any way, except with respect to the availability of facilities and teaching personnel. Participants shall not be denied access to a program because of their place of residency as long as they meet the requirement of New Jersey state residency.

6:30-1.3 Certification for a State-issued high school diploma

(a) Either of the following methods may be used to qualify for a State-issued high school diploma:

1. Persons may apply for a State-issued high school diploma by taking the Tests of General Educational Development (GED) of the American Council on Education or other tests approved by the State Board of Education which shall be used as the basis for qualifying for a State-issued high school diploma.

i. The Commissioner shall establish uniform, State-wide standard scores for passage of the GED test.

ii. These standard score requirements shall be adopted and be subject to change by resolution of the State Board of Education. The State Board shall announce its intent to change GED score requirements no less than 28 days prior to final adoption.

iii. Exceptions to the standard score requirement may be made by the Commissioner upon the recommendation of the Assistant Commissioner, Division of Academic and Career Standards with respect to persons 60 years of age and older. In no case may an exception to the passing score fall below the minimum passing scores established by the American Council on Education. Such a determination will be made on a case-by-case basis considering circumstances such as health and achievement.

2. Persons may apply and qualify for a State-issued high school diploma by passing the High School Proficiency Test, and presenting official transcripts showing at least 30 general education credits leading to a degree at an accredited institution of higher education. Included in the 30 general education credits must be a minimum of 15 credits with at least three credits in each of the five general education categories as follows: communications; mathematics; science; social science; and the humanities. For the purpose of this section the five general education categories shall be defined as follows:

i. "Communications" shall mean courses designed to enhance facility in the English language;

ii. "Mathematics" shall mean courses designed to enhance mathematical conceptual understanding and application, including computer science;

iii. "Science" shall mean courses designed to enhance scientific conceptual understanding and application;

iv. "Social science" shall mean courses designed to promote social awareness, including understanding social, economic and political problems and the responsibilities of citizenship in an interdependent world; and

v. "Humanities" shall mean courses in literary, philosophical, foreign language, historical, aesthetic, or other humanistic studies to promote the understanding and transmission of values to one's own and other cultures.

3. Persons seeking to qualify for a State-issued high school diploma as outlined in this section, shall be at least 16 years of age and out of school. Exceptions to the age requirement may be made by the Commissioner upon the recommendation of the Assistant Commissioner, Academic and Career Standards for persons under 16 years of age who have otherwise met all State high school graduation requirements. Such a determination will be made on a case-by-case basis considering extraordinary academic or personal achievement.

Amended by R.2000 d.359, effective September 5, 2000.
See: 32 N.J.R. 2005(a), 32 N.J.R. 3336(a).

6:30-1.4 Fees

(a) Persons submitting applications for a State-issued high school diploma by examination or reexamination on the GED test shall pay a \$25.00 fee. Upon application to take the GED test, an applicant shall be presented with a certifying document verifying payment of the appropriate fee and designating a six-month time frame during which the applicant may take the GED test or reexaminations as may be necessary. Applicants will be required to present the payment certification document when registering for retesting during the six-month testing time frame.

(b) Persons housed under the custody and supervision of the New Jersey State Department of Corrections may, by contractual agreement with the New Jersey State Department of Education, be administered the GED test without charge to either the candidate or the New Jersey State Department of Corrections.

(c) Persons requesting a State-issued high school diploma based on the evaluation of college coursework, or a copy of a GED transcript and diploma verification shall do so in the form of a written request signed by the person making the request and shall include a \$5.00 fee.

6:30-1.5 School and community planning process

(a) Districts or agencies sponsoring programs as cited in N.J.A.C. 6:30-2 and 3 shall adopt school and community planning procedures for the operating of these programs.

(b) Agencies sponsoring these programs shall provide opportunity for public review and comment on programs funded under N.J.A.C. 6:30-2 and 3. Agencies shall establish advisory committees which shall include community residents and program staff and shall make provision annually for public input.

6:30-1.6 Monitoring

(a) The Commissioner shall require the monitoring of all programs described in this chapter pursuant to N.J.S.A. 18A:48-1, 18A:49-1 through 18A:50-12, 13 and 14, and the Adult Education and Family Literacy Act, 20 U.S.C. §§ 9201 et seq., to ensure that each is performing according to the standards and procedures prescribed by law and rule.

(b) The monitoring procedure shall be as follows:

1. The Assistant Commissioner, Division of Academic and Career Standards shall establish a monitoring schedule annually.

2. Each chief school and agency administrator and program director responsible for adult programs described in this chapter shall be notified in advance by the Assistant Commissioner, Division of Academic and Career Standards, of the date established for the monitoring visit.

3. Prior to the monitoring visit, each chief school and agency administrator and program director responsible for the adult programs described in this chapter shall receive a copy of the monitoring instrument prescribed by the Commissioner containing the specific indicators as noted in N.J.A.C. 6:30-2.6 and 3.3 needed to demonstrate satisfactory program performance.

(c) Based upon the monitoring findings, the Assistant Commissioner, Division of Academic and Career Standards, shall determine whether to recommend the continuation or suspension of the program to the Commissioner.

(d) All programs cited in this chapter shall be monitored by June 6, 1999 and once every five years thereafter.

(e) Staff of the Bureau of Adult Education and Family Literacy shall conduct monitoring and shall record findings using worksheets prescribed by the Assistant Commissioner, Division of Academic and Career Standards, and review the findings with the chief school or agency administrator and director responsible for the adult program.

(f) The Assistant Commissioner, Division of Academic and Career Standards shall send a formal notification of findings to the chief school or agency administrator responsible for the program within 20 work days of the completion of the monitoring visit. The notification shall contain:

1. Copies of completed worksheets; and
2. A recommendation that the program be continued or suspended by the Commissioner.

(g) A chief school or agency administrator notified that the Assistant Commissioner, Division of Academic and Career Standards will recommend to the Commissioner that an adult program to be suspended shall be granted 60 calendar days from receipt of the notification to document to the

Commissioner that the unacceptable findings have been corrected.

(h) Any adult program that does not correct deficiencies within the 60 calendar day period shall be suspended by the Commissioner, in accordance with the procedure established under N.J.A.C. 6A:3-3.1.

Amended by R.2000 d.137, effective April 3, 2000.

See: 31 N.J.R. 4173(a), 32 N.J.R. 1177(a).

In (h), changed N.J.A.C. reference.

Amended by R.2000 d.359, effective September 5, 2000.

See: 32 N.J.R. 2005(a), 32 N.J.R. 3336(a).

In (a), changed U.S.C. reference.

6:30-1.7 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Accredited” means that the high school, college or university has met the criteria and standards set by the appropriate accrediting agency such as the Middle States Association.

“Adult” means a person 18 years of age or older.

“Adult high school” means a school conducting supervised educational activities in the day or evening to provide adults with the necessary instruction to enable them to complete the requirements for a locally issued, State-endorsed diploma.

“Adult’s primary language” means the language most relied upon by the adult for communication, or the language most spoken by the adult in the adult’s home or work environment.

“Apprentice” means an employee of legal working age who meets the qualifications established by the apprentice sponsor and who is employed under a written agreement which provides that related training and on-the-job experience received be in accordance with approved standards of apprenticeship.

“Apprentice sponsor” means an employer who is a party to a written training agreement with an apprentice that includes the components of the training in accordance with approved standards of apprenticeship.

“Apprentice training” means a program of adult vocational education requiring a written training agreement between full-time paid apprentices and their apprentice sponsors. The program includes components of related instruction which are coordinated by an individual who holds a current administrative certificate of Coordinator: Apprentice Programs.

“Apprenticeship agreement joint approval” means a written training agreement between an apprentice and an apprentice sponsor in accordance with approved standards of apprenticeship. This agreement includes the components of the training and is signed by the apprentice, apprentice sponsor, apprentice coordinator, State Department of Education representatives and Federal Bureau of Apprenticeship and Training representative.

“Approved” means that a program has met the standards established by the Department of Education as evidenced by action taken by the State Board of Education.

“Assistant Commissioner” means the Assistant Commissioner, Division of Academic and Career Standards.

“Attendance” means participation in a learning activity for more than one hour in a session.

“Comprehensive examination” means a test designed to assess mastery of a given set of proficiencies.

“Contact time” means the period in which a student interacts with a staff member of the adult high school for one hour or more at a Department of Education approved facility for purposes of instruction or advisement.

“Course” and “coursework” means activities and projects which are geared toward mastery of a set of proficiencies.

“DD-214” means a Department of Defense form issued to all members of the military which describes their service record.

“Disabled adult” means any adult who has any physiological, mental or psychological disorder or condition which substantially limits one or more major life activities, has a record of such an impairment or is regarded as having such an impairment.

“Educational plan” means a signed and dated document developed by the student and a professional staff member of the adult school program.

“English language fluency” means the ability to understand conversational English and to speak the language with sufficient structural accuracy, to use vocabulary to participate effectively in most formal and informal conversations on practical, social and school topics, to read material for information and to complete forms and write essays and reports on familiar topics.

“English language proficiency” is defined as the full command of language skills, including proficiency in listening, speaking, reading and writing. English language proficiency is defined operationally as the passing score on an English language proficiency test. To attain proficiency in a language requires more time than to attain fluency.