

CHAPTER 8
STANDARDS AND ASSESSMENT

Authority

N.J.S.A. 18A:7A-10 through 14, 18A:7A-49, 18A:7C-1 et seq.,
18A:7E-2 through 5, 18A:35-4.2, 18A:35-4.7 and 18A:59-5.

Source and Effective Date

R.2011 d.052, effective February 7, 2011.
See: 42 N.J.R. 1769(a), 43 N.J.R. 282(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 8, Standards and Assessment, expires on February 7, 2018. See: 43 N.J.R. 1203(a).

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

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

Chapter 8, Standards and Assessment, expired on June 7, 2010, and was adopted as new rules by R.2011 d.052, effective February 7, 2011. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

6A:8-1.1 Purpose

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

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

i. Themes:

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

ii. Learning and Innovation Skills:

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

iii. Information, Media and Technology Skills; and

iv. Life and Career Skills:

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

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

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

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

(c) The Core Curriculum Content Standards, including cumulative progress indicators, enable district boards of education to establish curriculum and instructional methodologies for the purpose of providing students with the constitutionally mandated system of “thorough” public school instruction.

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

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

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

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

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

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

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

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

Case Notes

Department of Education regulations complied with requirements for standard-based education imposed by Supreme Court to remedy achievement and funding problems in special needs districts, even though task of designing and implementing models and programs to meet the standards was left to school districts and school-based management teams; Supreme Court did not require that district models and standards be codified, and regulations retained in Commissioner of Education the responsibility to ensure that models employed conform to standards. *Abbott v. Burke Regulations*, 348 N.J. Super 382, 792 A.2d 412.

Initial Decision (2008 N.J. AGEN 774) adopted, which determined that a fifth-grade teacher’s performance, even after notice of the charges and assistance and opportunities to improve, was deficient and inefficient as charged so that the teacher should be dismissed and removed from employment. The teacher demonstrated a pattern of carelessness, a

lack of dedication, and inefficiency in his teaching, failed to establish and maintain an orderly and supportive learning environment for his class, and continued to refuse and/or fail to efficiently comply with schedules, content, methods, and pacing, and to provide documentation prescribed for instruction and for evaluation of student performance pursuant to the New Jersey Professional Standards for Teachers, N.J.A.C. 6A:9-3.3, and the Core Curriculum Content Standards of N.J.A.C. 6A:8-1.1. In re Tenure Hearing of Jones, OAL Dkt. No. EDU 2152-07, 2008 N.J. AGEN LEXIS 1181, Final Decision (September 29, 2008).

6A:8-1.2 Scope

(a) The Core Curriculum Content Standards apply to all students enrolled in public elementary, secondary, and adult high school education programs within the State of New Jersey.

(b) Throughout this chapter, unless otherwise noted, “district boards of education” shall be interpreted to include all providers of publicly funded elementary, secondary, and adult high school education programs, including county vocational schools, educational services commissions, jointure commissions, charter schools, regional day schools, adult high schools, county special services school districts, the Marie H. Katzenbach School for the Deaf, the Department of Human Services, the Department of Corrections, the Juvenile Justice Commission, public college-operated programs, and approved private schools for the disabled.

(c) District boards of education shall align their curriculum and instructional methodologies to assist all students in achieving the Core Curriculum Content Standards and to prepare all students for employment or postsecondary study upon their graduation.

(d) Progress toward meeting the Core Curriculum Content Standards shall be measured by the Statewide assessment system at grade levels three through eight and 11-12, or if ungraded at equivalent ages, and at any other grades deemed appropriate by the Commissioner.

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

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

6A:8-1.3 Definitions

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

“Accommodations or modifications to the Statewide assessment system” means changes in testing procedures or formats that provide students with disabilities and English language learners (ELLs) an equitable opportunity to participate in assessment and demonstrate their knowledge and skills in the areas assessed.

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

“Advanced Placement courses” means those courses aligned with the course descriptions provided by the College Board and intended to provide students with the opportunity to complete college-level studies during secondary school.

“Advanced proficient” means a score achieved by a student at or above the cut score which demarks a comprehensive and in-depth understanding of the knowledge and skills measured by a content-area component of any State assessment.

“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 English language learners (ELLs).

“AHSA” means the Alternative High School Assessment, which is an alternative assessment that measures high school competency in selected areas of the Core Curriculum Content Standards.

“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.

“CLEP” means College-Level Examination Program, which enables students to receive college credit by earning qualifying scores on examinations offered by the College Board that cover material taught in courses most students take as requirements in the first two years of college. A college usually grants the same amount of credit to students earning satisfactory scores on the CLEP examination as it grants to students successfully completing that course.

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

“Competency Assessment” means an assessment used to determine student achievement of specific high school content delineated by the Core Curriculum Content Standards and replacing one or more components of the High School Proficiency Assessment (HSPA).

“Content equivalent” means courses or activities that include the same or equivalent knowledge and skills as those found in traditionally titled courses which are required for high school graduation and which are aligned with the Core Curriculum Content Standards. This content must be taught by certified teachers, may be integrated in one or more courses, may be titled differently, or may present material in an interdisciplinary or spiral format.

“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 or as approved through N.J.A.C. 6A:8-5.1(a)2.

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

“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.

“ELL” means English language learner, indicating a person who is in the process of acquiring English and has a first language other than English. English language learners are

the same students who are sometimes referred to as limited English proficient (LEP).

“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.

“Individualized student learning opportunities” means student experiences based upon specific instructional objectives

which meet or exceed the Core Curriculum Content Standards at the high school level. Such opportunities may occur in all core curriculum content standard areas and may include, but are not limited to, independent study; online learning; work-based programs, internships, and apprenticeships; study-abroad programs; student exchange programs; service learning experiences; and structured learning experiences. These opportunities shall be based on student interests and career goals.

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

“Interdisciplinary connections” means integrating core curriculum content standards and skills from one or more content areas into instruction and assessment of another content area.

“Laboratory/inquiry-based science course” means a course in which students are systematically provided with ongoing opportunities to use data drawn from or to interact directly with the natural and designed/engineered world, using tools, data collection techniques, models, and scientific concepts and principles.

“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.

“MOPI” 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.

“Pacing guide” means a schedule that includes aligned concepts, topics and skills related to a particular curriculum to be addressed over a defined period of time. It is not a prescriptive, lock-step set of lesson plans that impede an educator’s ability to exercise flexibility in meeting students’ learning needs.

“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.

“Personalization” means enabling students to build and strengthen relationships with peers, teachers, other staff members, families, and the community at large through multiple strategies that promote engagement and high expectations based on individual interests and aptitudes and that are conducive to successful teaching and learning experiences.

“Personalized Student Learning Plan” means a formalized plan and process that involves students setting learning goals based on personal, academic and career interests, beginning in the middle school grades and continuing throughout high school with the close support of adult mentors that include teachers, counselors and parents.

“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.

“QSAC” means the Quality Single Accountability Continuum, which is used to review and evaluate school district performance on five key components of school district operations: instruction and program; personnel; fiscal management; operations management; and governance.

“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.

“Service learning experience” means a teaching and learning strategy that integrates meaningful local, State, national or international community service with instruction and reflection to enrich the learning experience, teach civic responsibility, and strengthen communities.

“STAMP” means Standards-based Measurement of Proficiency, which is a web-based test, delivered, graded and reported online, that assesses students’ language proficiency from the Novice-Low to the Intermediate-Mid Range.

“Standards support materials” 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 pre-kindergarten through

grade 12 education and that may assist in the development of local curricula.

“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.

“State-issued diploma” means a diploma issued by the State of New Jersey. This is contrasted with a locally issued, State-endorsed diploma.

“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.

“Study abroad programs” means programs that enable New Jersey students to attend a high school in another country for a semester or full academic year in order to acquire academic and cross-cultural skills that will help them live and work in a globally interdependent world.

“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.

“Twenty-first century careers” means careers and occupations that have been impacted by technological and global forces and are in an ongoing state of reinvention due to technological advances and e-commerce.

“Twenty-first century skills” means such abilities as learning and innovation skills; information, media, and technology skills; and life and career skills.

“Twenty-first century themes” include, but are not limited to, global awareness; financial, economic, business, and entrepreneurial literacy; civic literacy; and health literacy.

“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".

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

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

In definitions "Accommodations or modifications to the Statewide assessment system" and "All students", substituted "English language learners (ELLs)" for "students with limited English proficiency"; added definitions "AHSA", "CLEP", "Competency Assessment", "Content equivalent", "ELL", "Individualized student learning opportunities", "Interdisciplinary connections", "Laboratory/inquiry-based science course", "Pacing guide", "Personalization", "Personalized Student Learning Plan", "QSAC", "Service learning experience", "STAMP", "Standards support materials", "State-issued diploma", "Study abroad programs", "Twenty-first century careers", "Twenty-first century skills" and "Twenty-first century themes"; in definition "Credit", deleted a comma following "week" and inserted "or as approved through N.J.A.C. 6A:8-5.1(a)2"; deleted definitions "Curriculum frameworks", "LEP", "LLS" and "SRA"; and in definition "Instructional adaptation", substituted "ELLs" for "students with limited English proficiency".

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. In January 2008, the State Board adopted revised Core Curriculum Content Standards and associated cumulative progress indicators in language arts literacy and mathematics.

6. The State Board on or before May 2008 initiated a review and readoption 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.

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

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

Added new (a)5; recodified former (a)5 as (a)6; and in the introductory paragraph of (a)6, substituted "initiated" for "will initiate".

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 (Reserved)

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.

Repealed by R.2009 d.334, effective November 2, 2009.

See: 41 N.J.R. 2530(a), 41 N.J.R. 4077(a).

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

6A:8-2.4 (Reserved)

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

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

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

SUBCHAPTER 3. IMPLEMENTATION OF THE CORE CURRICULUM CONTENT STANDARDS

6A:8-3.1 Curriculum and instruction

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

1. The Department of Education shall provide district boards of education with Standards support materials that suggest a variety of activities and strategies that may assist in the development of local curricula aligned with the Core Curriculum Content Standards.

2. District boards of education shall encourage the active involvement of representatives from the community, business, industry, labor, and higher education in the de-

velopment of educational programs aligned with the Core Curriculum Content Standards.

3. District boards of education shall be responsible for assessing and publicly reporting on the progress of all students in developing the knowledge and skills specified by the Core Curriculum Content Standards, including civics, financial literacy, and all content areas not currently included in the Statewide assessment program.

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

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

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

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

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

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

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

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

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

(2) Individual and collaborative professional learning with adequate and consistent time for teachers, including English as a second language, gifted

and talented, bilingual, and special education teachers, to work together in and across content areas and grade levels to review student work, analyze classroom assessments and other achievement data, critique lesson plans, and solve instructional problems; and

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

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

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

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

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

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

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

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

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

i. Twenty-first Century Themes:

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

(4) Health Literacy;

ii. Learning and Innovation Skills:

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

iii. Information, Media and Technology Skills; and

iv. Life and Career Skills:

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

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

- i. A pacing guide;
- ii. A list of core instructional materials, including various levels of texts at each grade level;
- iii. Benchmark assessments; and
- iv. Modifications for special education students, for ELLs in accordance with N.J.A.C. 6A:15, and for gifted students.

(d) District boards of education shall establish procedures whereby any student whose parent or guardian presents to the school principal a signed statement that any or part of the instruction in health, family life education, or sex education is in conflict with his or her conscience or sincerely held moral or religious beliefs shall be excused from that part of the course where such instruction is being given and, pursuant to N.J.S.A. 18A:35-4.7, no penalties shall result therefrom.

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

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

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

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

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

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

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

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

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

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

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

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

6A:8-3.2 Career education and counseling

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

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

1. District boards of education shall implement a developmental, comprehensive career guidance and academic counseling program, linked to the Core Curriculum Content Standards, which:

- i. Is infused throughout the K-12 curriculum as appropriate for all students;
- ii. Is supported by professional development programs; and
- iii. Takes into consideration the National Career Development Guidelines and the Career Development Standards of the National Standards for School Counseling Programs of the American School Counselor Association in the following three areas of student development:
 - (1) Academic development;
 - (2) Career development; and
 - (3) Personal/social development.

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

- i. Assist students in making and implementing informed educational and career choices, including opportunities to change career focus;
- ii. Support students' academic attainment, career development, and personal/social development;
- iii. Develop students' understanding of the relationships among academic attainment, career development, and personal/social development; and
- iv. Encourage students to create and maintain portfolios consisting of student accomplishments including academic and career-oriented work samples that reflect achievement of the Core Curriculum Content Standards.

3. District boards of education shall ensure that, for students with disabilities beginning at age 14, or younger if determined appropriate by the IEP team, career guidance

and academic counseling are coordinated with transition services provided in accordance with N.J.A.C. 6A:14-3.7.

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

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

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

1. Offers all students the opportunity to more fully explore career interests within one or more of the Career Clusters identified in the Vocational-Technical Education Programs and Standards rules at N.J.A.C. 6A:19, that are linked to the Core Curriculum Content Standards and measured by the Statewide assessment system according to N.J.A.C. 6A:8-4;
2. Allows district boards of education to select the appropriate format for offering career-development activities based on district resources, community needs, and student interest;
3. Allows district boards of education to select the delivery format that may include:
 - i. An integrated curriculum, based on the Core Curriculum Content Standards, that provides students the opportunity to acquire information about their career interests and/or take advanced courses linked to their career interests; or
 - ii. Specialized programs that reflect the needs of students and the community; and
4. Instills the concept of the need for continuous learning throughout one's life.

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

1. District boards of education shall design structured learning experiences as rigorous activities that are integrated into the curriculum. As used in this paragraph, "rigorous activities" means that the student activities have identifiable educational goals which support the Core Curriculum Content Standards, and in particular the career education and consumer, family and life skills standards

and the technological literacy standards. Structured learning experiences should give students opportunities to demonstrate and apply a high level of academic attainment and to develop career and personal/social goals.

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

- i. Co-curricular or extra-curricular activities; or
- ii. External experiences taking place at a work site or in the community in accordance with N.J.A.C. 6A:19-6.4.

3. District boards of education shall ensure that students participating in school-sponsored, paid or unpaid external structured learning experiences:

- i. Are supervised by school personnel in accordance with the requirements identified in the Professional Licensure and Standards rules at N.J.A.C. 6A:9-13.19 through 13.22;
- ii. Are conducted at sites registered with the Department of Education via the Worksite Registration System; and
- iii. Conform to Federal and State law.

4. The Commissioner shall establish a process to recognize the contributions of students who engage in a structured learning experience that involves volunteer and/or community service activities.

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

Rewrote the section.

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

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

6A:8-3.3 Enrollment in college courses

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

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

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

1. Equivalent college courses to those offered to regularly admitted college students; and
2. College courses accepted toward both college degree and high school graduation requirements.

(d) District boards of education and partner colleges shall ensure that college courses for high school students are taught by college faculty with academic rank. Adjunct faculty and members of the district staff who have a minimum of a master's degree may also be included.

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

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

6A:8-3.4 (Reserved)

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.

Repealed by R.2009 d.334, effective November 2, 2009.

See: 41 N.J.R. 2530(a), 41 N.J.R. 4077(a).

Section was "Requirements for early childhood education programs".

SUBCHAPTER 4. IMPLEMENTATION OF THE STATEWIDE ASSESSMENT SYSTEM

6A:8-4.1 Statewide assessment system

(a) The Commissioner, in accordance with N.J.S.A. 18A:7A-10, may implement assessment of student achievement in the State's public schools, in any grades and by such assessments as he or she deems appropriate, and shall report to the State Board the results of such assessments in accordance with the New Jersey Open Public Records Act (P.L. 2001, c.404) N.J.S.A. 47:1A-1 et seq.

(b) The Commissioner shall implement a system and related schedule of Statewide assessments to evaluate student achievement of the Core Curriculum Content Standards.

1. The Commissioner, with the approval of the State Board, shall define the scope and level of student performance on Statewide assessments that demonstrate thorough understanding of the knowledge and skills delineated by the Core Curriculum Content Standards at grade levels three through 12.

2. The State Board, after consultation with the Commissioner, shall, by resolution, establish uniform Statewide criteria defining adequate district progress toward meeting the Core Curriculum Content Standards.

(c) District boards of education shall, according to a schedule prescribed by the Commissioner, administer the applicable Statewide assessments, including the six major components: the elementary assessment component for grades three through five, the middle school assessment component for grades six through eight, the High School Proficiency Assessment (HSPA) and Competency Assessments, the Alternative High School Assessment (AHSA), and the Alternate Proficiency Assessment (APA) for students with severe cognitive disabilities.

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

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

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

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

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

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

(d) All students at grade levels three through 12, pursuant to (b) and (c) above, and at any other grades designated by the Commissioner pursuant to (a) above, shall take all appropriate Statewide assessments as scheduled.

1. District boards of education shall provide appropriate accommodations or modifications to the Statewide assessment system as specified by the Department for ELLs and students with disabilities as defined in N.J.A.C. 6A:14-1.3 or eligible under Section 504 of the Rehabilitation Act as determined by the Individualized Education Program (IEP) team or the 504 team.

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

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

2. District boards of education shall ensure that students with disabilities as defined in N.J.A.C. 6A:14-1.3 participate in Statewide assessments in accordance with N.J.A.C. 6A:14-4.10.

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

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

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

4. District boards of education shall administer the AHSA, following the 11th grade, to all students, or corresponding adult high school students, who have not demonstrated proficiency on one or more section of the HSPA; and to students failing to demonstrate proficiency on High School Competency Assessments required for graduation. District boards of education, in implementing the AHSA process, shall use only those assessment instruments and procedures approved by the Commissioner of Education.

(e) District boards of education shall be responsible for ensuring the security of all components of the Statewide assessment system.

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

Rewrote the section.

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

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

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

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

Rewrote the section.

Amended by R.2006 d.315, effective September 5, 2006.
See: 38 N.J.R. 2253(a), 38 N.J.R. 3530(b).

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

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

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

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

Case Notes

Board did not meet its burden of proving unbecoming conduct against a school principal on its charge relating to improprieties in the Special Review Assessments (SRA) process where the principal's reliance on the SRA coordinator in matters concerning certification of staff involved in scoring the tests was not unreasonable, especially where the principal's role in the SRA was not clearly defined in the regulations (adopting 2009 N.J. AGEN LEXIS 126). In re Tenure Hearing of Tracy, OAL Dkt. No. EDU 6213-08, 2009 N.J. AGEN LEXIS 635, Final Decision (April 8, 2009).

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 are ELLs.

(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, including the AHSA, 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, including the AHSA;
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.

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

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

In (a)3, substituted "are ELLs" for "have limited English proficiency"; in (c), inserted ", including the AHSA,"; and in (d)1, inserted ", including the AHSA".

6A:8-4.3 Accountability

(a) Chief school administrators shall report preliminary and final 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.

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

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

In (a), substituted "preliminary and final" for "the".

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. 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 ELLs. This review shall take place at each grade level in which Statewide assessments are administered, using the Adequate Yearly Progress Targets, as found in the chapter Appendix, incorporated herein by reference.

(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 the Adequate Yearly Progress Targets, as found in the chapter Appendix.

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.

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

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

In the introductory paragraph of (a), deleted "as defined in (a)1iv, 2iv, and 3iv below" following "reform", substituted "ELLs" for "students who have limited English proficiency" and "Adequate Yearly Progress Targets, as found in the chapter Appendix, incorporated herein by reference" for "following criteria:"; deleted (a)1 through (a)4; and in the introductory paragraph of (b), substituted "the Adequate Yearly Progress Targets, as found in the chapter Appendix" for "(a)1 through 3 above".

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 Department'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 not, in public reporting of school and district performance data, 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.

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

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

In (d), deleted "only publicly report summary performance data if doing so would" following "shall" and inserted ", in public reporting of school and district performance data,".

SUBCHAPTER 5. IMPLEMENTATION OF GRADUATION REQUIREMENTS

6A:8-5.1 Graduation requirements

(a) District boards of education shall develop, adopt, and implement local graduation requirements, for a State-endorsed diploma, that prepare students for success in post-secondary degree programs, careers, and civic life in the 21st century according to N.J.A.C. 6A:8-3.1(c)2 and that include the following:

1. Participation in a local program of study of not fewer than 120 credits in courses designed to meet all of the Core Curriculum Content Standards, including, but not limited to, the following credits:

i. At least 20 credits in language arts literacy, aligned to grade nine through 12 standards, effective with the 2009-2010 grade nine class;

ii. At least 15 credits in mathematics, including algebra I or the content equivalent ("content equivalent" is defined at N.J.A.C. 6A:8-1.3) effective with the 2008-2009 grade nine class, including geometry or the content equivalent effective with the 2010-2011 grade nine class, and including a third year of mathematics that builds on the concepts and skills of algebra and geometry and that prepares students for college and 21st century careers effective with the 2012-2013 grade nine class;

iii. At least 15 credits in science, including at least five credits in laboratory biology/life science or the content equivalent effective with the 2008-2009 grade nine class, including one additional laboratory/inquiry-based science course which shall include chemistry, environmental science, or physics effective with 2010-2011 grade nine class, and including one additional lab-

oratory/inquiry-based science course effective with 2012-2013 grade nine class;

iv. At least 15 credits in social studies, including satisfaction of N.J.S.A. 18A:35-1 and 2; five credits in world history; and the integration of civics, economics, geography and global content in all course offerings;

v. At least 2.5 credits in financial, economic, business, and entrepreneurial literacy, effective with 2010-2011 grade nine class;

vi. At least 3 3/4 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;

vii. At least five credits in visual and performing arts;

viii. At least five credits in world languages or student demonstration of proficiency as set forth in (a)2ii(2) below;

ix. Technological literacy, consistent with the Core Curriculum Content Standards, integrated throughout the curriculum; and

x. At least five credits in 21st century life and careers, or career-technical education;

2. The 120-credit requirement set forth in (a)1 above may be met in whole or in part through program completion of a range of experiences that enable students to pursue a variety of personalized learning opportunities, as follows:

i. District boards of education shall establish a process to approve individualized student learning opportunities that meet or exceed the Core Curriculum Content Standards.

(1) Individualized student learning opportunities in all Core Curriculum Content Standards areas include, but are not limited, to the following:

(A) Independent study;

(B) Online learning;

(C) Work-based programs, internships, apprenticeships;

(D) Study abroad programs;

(E) Student exchange programs;

(F) Service learning experiences; and

(G) Structured learning experiences.

(2) Individualized student learning opportunities based upon specific instructional objectives aimed at meeting or exceeding the Core Curriculum Content Standards shall:

(A) Be based on student interest and career goals as reflected in the Personalized Student Learning Plans as they are phased in according to the schedule of implementation set forth at N.J.A.C. 6A:8-3.2(a)1;

(B) Include demonstration of student competency;

(C) Be certified for completion based on the district process adopted according to (a)2ii below; and

(D) Be on file in the school district and subject to review by the Commissioner or his/her designee.

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

ii. District boards of education shall establish a process for granting of credits through successful completion of assessments that verify student achievement in meeting or exceeding the Core Curriculum Content Standards at the high school level, including those occurring by means of the individualized student learning opportunities enumerated above at N.J.A.C. 6A:8-5.1(a)2. Such programs or assessments may occur all or in part prior to a student's high school enrollment; no such locally administered assessments shall preclude or exempt student participation in applicable statewide assessments at grades three through 12.

(1) District boards of education shall choose assessments that are aligned with or exceed the Core Curriculum Content Standards and may include locally designed assessments.

(2) 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 Standards-based Measurement of Proficiency (STAMP) online assessment;

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

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

iii. District boards of education shall establish a process to approve post-secondary learning opportunities that may consist of Advanced Placement (AP) courses,

the College-Level Examination Program (CLEP), or concurrent/dual enrollment at accredited higher education institutions.

(1) District boards of education shall award credit for successful completion of an approved, accredited college course that assures achievement of knowledge and skills that meets or exceeds the Core Curriculum Content Standards;

3. Local student attendance requirements;

4. Any other requirements established by the district board of education;

5. Any statutorily mandated requirements for earning a high school diploma; and

6. The requirement that all students demonstrate proficiency in all sections of the HSPA, Competency Assessments, or Alternative High School Assessment process applicable to the class graduating in the year they meet all other graduation requirements, based on a schedule prescribed by the Commissioner in accordance with N.J.A.C. 6A:8-4.1(b) through (d).

7. Those students graduating from an adult high school shall demonstrate proficiency in all sections of the HSPA, applicable Competency Assessments, or designated Alternative High School Assessment process for any subjects not yet passed on a previously approved Statewide assessment required for graduation.

(b) District boards of education shall, in the development of Personalized Student Learning Plans according to N.J.A.C. 6A:8-3.2(a) and (a)1, actively encourage all students who have otherwise met the requirements for high school graduation according to (a)1 through 3 above, to include in their programs of study the following additional credits:

1. Five credits in mathematics during each year of enrollment, aimed at preparation for entrance into post-secondary programs or 21st century careers;

2. Five credits in a laboratory science during each year of enrollment, aimed at preparation for entrance into post-secondary programs or 21st century careers;

3. Five credits in social studies during each year of enrollment, aimed at preparation for entrance into post-secondary programs or 21st century careers; and

4. Five credits in world languages during each year of enrollment, aimed at preparation for entrance into post-secondary programs or 21st century careers.

(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 each year they are evaluated through the Quality Single Accountability Continuum (QSAC) to the Executive County Superintendent and update this filed copy each time 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, or applicable Competency Assessments, with the opportunity to demonstrate such competence through both repeated administrations of the HSPA and the AHSA process.

1. District boards of education shall submit the results of the AHSA process to the appropriate county superintendent of schools by March 31 of each year, or as otherwise determined by the Commissioner of Education, for approval for graduation in June of the same year. Such results shall include information, as prescribed by the Commissioner, pertaining to students successfully completing the AHSA process, and to those who fail to complete the AHSA process successfully.

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

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

i. Passage of the AHSA process in their native language, when available, and passage of an English fluency assessment approved by the Department of Education; or

ii. Passage of the AHSA 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 AHSA 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 1i(7).

Amended by R.2004 d.56, effective February 2, 2004.

See: 35 N.J.R. 4165(a), 36 N.J.R. 662(b).

Rewrote (a).

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

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

Rewrote the section.

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

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

In the introductory paragraph of (c), updated the first N.J.A.C. reference; in (c)1, updated the N.J.A.C. reference.

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

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

Rewrote the section.

Case Notes

Mother of a 22-year-old disabled student who had brain trauma failed to show that the student should not have received a diploma by virtue of credits earned or by virtue of the quality of the credits earned. She was not entitled to relief in the form of compensatory education where the record demonstrated that the district provided the student with a FAPE. *W.G. ex rel. M.P. v. Monclair Bd. of Educ.*, OAL Dkt. No. EDS 1520-09, 2010 N.J. AGEN LEXIS 353, Final Decision (June 30, 2010).

Remand was necessary in order to determine whether a 16-year-old who relocated from Venezuela to New Jersey was eligible to enroll as a senior in high school or whether her high school diploma earned in Venezuela relieved the district from providing further education; there needed to be a fact-specific determination of whether the student's credential from Venezuela was equivalent to a New Jersey State-endorsed high school diploma. On remand, the student's parents were responsible for developing a record pertaining to her Venezuelan education, while the Board was responsible for presenting a thorough assessment of such facts in relation to the goals and requirements for graduation from the New Jersey public schools, together with opposing facts as it deemed appropriate; whereupon — if the Board concluded that the student was not entitled to a free public education because the credential was, in fact, equivalent to a New Jersey State-endorsed diploma — the parents bore the burden of demonstrating, by a preponderance of the competent and credible evidence, that the Board's assessment was arbitrary, capricious, unreasonable, or otherwise contrary to law. *B.A. ex rel. M.A.A. v. Bd. of Educ. of Somerville*, OAL Dkt. No. EDU 8740-07, 2009 N.J. AGEN LEXIS 730, Remand Decision (June 22, 2009).

Board of education was not ordered to grant a high school diploma to student who suffered from irritable bowel syndrome (IBS) where he had not received the required 130 credit hours for his senior year. As a result of his IBS, the student had been exempted from the maximum unexcused absence policy at his high school for his freshman, sophomore and junior years. However, his IEP made it clear that he was not exempted for his senior year notwithstanding student's testimony that his absences, estimated at between 50 and 60, should have been excused if he had provided an appropriate doctor's note. *B.M. et al v. Jackson Township Bd. of Educ.*, OAL Dkt. No. EDS 4717-08, 2008 N.J. AGEN LEXIS 489, Emergent Relief Decision (June 18, 2008).

Initial Decision (2007 N.J. AGEN LEXIS 993) adopted, which concluded that State law expressly contemplates that public school districts — including State-operated districts — may set and enforce local graduation requirements over and above the State-mandated minimum; where a student lacked the requisite number of credits to graduate from the Jersey City School District, there was no basis on which the District could grant her a high school diploma based solely on completion of the

lesser number of credits required for graduation from the student's school district of prior attendance. *Dowling v. State-Operated School Dist. of Jersey City*, OAL Dkt. No. EDU 7848-07, 2008 N.J. AGEN LEXIS 262, Commissioner's Decision (February 5, 2008).

6A:8-5.2 High school diplomas

(a) District boards of education shall award a State-endorsed high school diploma to prospective graduates who have met all of the requirements adopted in accordance with N.J.A.C. 6A:8-5.1(a), 5.1(c), or (d) below.

(b) District boards of education shall not issue a high school diploma to any student not meeting the criteria specified in the rule provisions referenced in (a) above.

1. District boards of education shall provide students exiting grade 12 without a diploma the opportunity for continued high school enrollment to age 20, or until the requirements for a State-endorsed diploma have been met, whichever comes first.

2. District boards of education shall allow any out-of-school individual to age 20 who has otherwise met all State and local graduation requirements but has failed to pass the HSPA or applicable Competency Assessments to return to school at scheduled times for the purpose of taking the necessary test. Upon certification of passing the test applicable to the student's class in concordance with N.J.A.C. 6A:8-5.1(a)8, a State-endorsed diploma will be granted by the high school of record.

(c) The Commissioner, pursuant to N.J.A.C. 6:30-1.3(a)1, shall award a State-issued high school diploma based on achieving the Statewide standard scores for passage of the General Educational Development (GED) test, to individuals age 16 or older who are no longer enrolled in school and have not achieved a high school credential.

(d) The Commissioner shall award a State-issued high school diploma to individuals age 16 or older and no longer enrolled in high school based on official transcripts showing at least 30 general education credits leading to a degree at an accredited institution of higher education. Included in the 30 general education credits must be a minimum of 15 credits with at least three credits in each of the five general education categories as follows: English; mathematics; science; social science; and the humanities.

(e) District boards of education shall award a State-endorsed high school diploma to any currently enrolled student who:

1. Has performed at a proficient or advanced proficient level of achievement in all sections of the HSPA or applicable High School Competency Assessments;

2. Has presented official transcripts showing at least 30 general education credits leading to a degree at an accredited institution of higher education; and

3. Has formally requested such early award of a State-endorsed high school diploma.

(f) The chief school administrator or lead person of a charter school, in accordance with N.J.S.A. 18A:7C-7 and 18A:7E-3, shall report annually at a public meeting, not later than September 30, to the district board of education or the charter school board of trustees, and to the Commissioner:

1. The total number of students graduated;
2. The number of students graduated under the AHSA process;
3. The number of students receiving State-endorsed high school diplomas as a result of meeting any alternate requirements for graduation as specified in their IEPs;
4. The total number of students denied graduation from the 12th grade class; and
5. The number of students denied graduation from the 12th grade class solely because of failure to pass the HSPA or SRA, based on the provisions of N.J.A.C. 6A:8-5.1(a)3.

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

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

In (b)2, inserted "or applicable Competency Assessments" and updated the N.J.A.C. reference; in (c), substituted "State-issued" for "State-endorsed"; added new (d); recodified former (d) and (e) as (e) and (f); in the introductory paragraph of (e), substituted "District" for "Starting in the 2002-2003 academic year, district" and "currently enrolled student" for "individual"; in (e)1, inserted "or applicable High School Competency Assessments"; in (e)3, deleted ", if a student currently enrolled in a public school," following "Has"; and in (f)2, substituted "AHSA" for "SRA".

Case Notes

Initial Decision (2007 N.J. AGEN LEXIS 993) adopted, which concluded that State law expressly contemplates that public school districts — including State-operated districts — may set and enforce local graduation requirements over and above the State-mandated minimum; where a student lacked the requisite number of credits to graduate from the Jersey City School District, there was no basis on which the District could grant her a high school diploma based solely on completion of the lesser number of credits required for graduation from the student's school district of prior attendance. *Dowling v. State-Operated School Dist. of Jersey City*, OAL Dkt. No. EDU 7848-07, 2008 N.J. AGEN LEXIS 262, Commissioner's Decision (February 5, 2008).

APPENDIX

AYP Targets

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