

## **EDUCATION**

### **STATE BOARD OF EDUCATION**

#### **Standards and Assessment**

#### **Proposed Amendments: N.J.A.C. 6A:8-1.3, 3.1, 4.1, 4.3, 4.5, 5.1, and 5.2**

Authorized By: New Jersey State Board of Education, Lamont O. Repollet, Commissioner,  
Department of Education, Secretary, State Board of Education.

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

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2018-105.

Submit written comments by January 4, 2019, to:

Linda Eno

Division of Academics and Performance

New Jersey Department of Education

100 River View Plaza

PO Box 500

Trenton, New Jersey 08625-0500

E-mail: [chapter8@doe.state.nj.us](mailto:chapter8@doe.state.nj.us)

The agency proposal follows:

#### **Summary**

The Department of Education (Department) proposes to amend N.J.A.C. 6A:8, Standards and Assessment. The chapter, which implements the New Jersey Student Learning Standards

(NJSLS), the Statewide assessment system, and State high school graduation requirements, is being revised to reflect the Department's transition to a next generation of State assessments. As a part of this transition, the Department proposes to simplify graduation requirements and to clarify assessment requirements for English language learner (ELL) students and students with disabilities.

The proposed amendments are informed by extensive stakeholder feedback gathered through its first phase of Statewide assessment outreach. The first phase allowed Department staff to gather insights from representatives in every county with diverse educational perspectives and firsthand knowledge of the realities of test administration, including students, parents, teachers, administrators, district board of education members, policy makers, and community organizations. The Department is committed to transitioning assessments in a way that will be further informed by best State practices and research and will minimize unnecessary disruption to school districts.

The proposed rulemaking is an interim step to streamline the high school assessment system as part of the transition to the next Statewide assessment system. Upon review of the graduation requirements for the classes of 2020 and beyond, the Department found aspects of the current rules to be overly complex and to have an unintended negative consequence for some students, particularly in light of the number of standardized tests administered in high school, including non-State tests, such as the PSAT, SAT, ACT, etc. The Department anticipates initiating another rulemaking in the near future to implement the next phase of the assessment system after the full transition plan is formulated in collaboration with stakeholders from across the State.

The Department's proposed amendments maintain the current State assessment requirements in grades three through eight, maintain the current State graduation assessment requirements (Algebra I and ELA 10), and continue to align the rules with Federal law (the

Elementary and Secondary Education Act (ESEA) reauthorized as the Every Student Succeeds Act (ESSA)).

The Department proposes to require the administration in high school of State ELA assessments in grades nine and 10 and State mathematics assessments in grades nine and 10, corresponding to the course that the student is taking. Six Partnership for Assessment of Readiness for College and Careers (PARCC) end-of-course high school assessments in ELA 9, 10, and 11 and Algebra I, Geometry, and Algebra II were administered in 2017-2018 and previous years under PARCC. This resulted in high school students taking multiple State assessments nearly every year in high school. The Department's rulemaking streamlines the schedule of testing for high school students, while still ensuring students master the knowledge and skills needed to enter the workforce, job training programs, or higher education.

Under this rulemaking, students who take the State ELA 10 and Algebra I assessments, but do not achieve a passing score on one or both assessments, after remediation and being offered multiple opportunities to take the assessments, are eligible to access the menu of substitute competency assessments, including portfolio appeals process, permitted by N.J.A.C. 6A:8-5.1(f). Thus, the Department ensures that the menu of substitute competency assessments options currently open to the class of 2019 and 2020 remains open to students in the classes of 2020 through 2025.

Additionally, the Department proposes to replace most references to the PARCC end-of-course high school assessments and "PARCC" with "State ELA 10 and Algebra I assessments" to reflect the end of the PARCC consortium.

The detailed summary below explains the specific amendments that accomplish the changes outlined above, and other language alterations needed to make the rule cohesive.

## **Subchapter 1. General Provisions**

### N.J.A.C. 6A:8-1.3, Definitions

This section provides definitions for words and terms used in the chapter.

The Department proposes an amendment to the definition of “alternative assessment for students with disabilities” to add “State” after “alternative” to clarify that the term references the State-administered alternative assessment for students with disabilities and no other test. The Department also proposes the amendment throughout the chapter, where appropriate. The current alternative State assessment for students with students with disabilities is Dynamic Learning Maps (DLM).

The Department proposes to amend the definition of “PARCC assessment,” which means the set of assessments designed by PARCC used to determine student achievement of the knowledge and skills specified by the NJSL in ELA and mathematics. The Department proposes to replace “used” with “that was used from the 2014-2015 through 2017-2018 school years” since PARCC is no longer the State assessment.

The Department proposes to amend the definition of “portfolio appeals process,” which means an alternative assessment of proficiency for graduation established by the Commissioner, utilizing techniques and instruments other than PARCC assessments or substitute competency tests, by replacing “PARCC assessments” with “PARCC ELA 10 or Algebra I assessments, or the State ELA 10 and Algebra I assessments.” The proposed amendments will clarify that students who demonstrate proficiency on the previous PARCC assessments or the State ELA 10 and Algebra I assessments do not need to use the portfolio appeals process to satisfy the assessment requirement. The same amendment is proposed to the definition of “substitute competency test.”

### **Subchapter 3. Implementation of the New Jersey Student Learning Standards**

#### N.J.A.C. 6A:8-3.1, Curriculum and instruction

This section describes a district board of education's responsibility for the design and delivery of curriculum and instruction needed to address the NJSLS. The section also requires a district board of education to ensure that appropriate instructional adaptations are designed and delivered for students with disabilities, ELLs, students enrolled in alternative education programs, and students who are gifted and talented.

The Department proposes to amend N.J.A.C. 6A:8-3.1(a)4, which makes district boards of education responsible for developing educational programs aligned with the NJSLS with appropriate accommodations, instructional adaptations, and/or modifications as determined by the IEP or 504 team for all students with disabilities. The amendment specifies that district boards of education are required to provide individualized accommodations, instructional adaptations, and/or modifications for students with disabilities that are specified in a student's individualized education program (IEP) or 504 plan. The proposed amendments will clarify that a student's IEP or 504 plan establishes the individualized accommodations, instructional adaptations, and/or modifications that a district board of education must provide.

### **Subchapter 4. Implementation of the Statewide Assessment System**

#### N.J.A.C. 6A:8-4.1, Statewide assessment system

This section describes the Statewide assessment system linked to the NJSLS.

The Department proposes to amend N.J.A.C. 6A:8-4.1(c), which requires district boards of education to administer the applicable Statewide assessments, including elementary and middle school assessment components and high school end-of-course PARCC assessments, by replacing

“high school end-of-course PARCC assessments” with “high school assessment component.” The proposed amendment will mirror the rule’s language regarding elementary and middle school assessment components.

The Department proposes to amend N.J.A.C. 6A:8-4.1(c)3, which requires the implementation of a high school assessment program component of NJSLS that assesses, at a minimum, ELA, mathematics, and science, by replacing “high school assessment program component of the NJSLS that assesses, at a minimum, English language arts, mathematics, and science” with “high school assessment component of the Statewide assessment of the NJSLS consisting of: English language arts in grades nine and 10; Mathematics in grades nine and 10; and One assessment in science.” The Department proposes administering ELA and mathematics assessments in ninth and 10th grades because it provides longitudinal data on student achievement from grades three through 10. Under this rulemaking, students in grades nine and 10 will be administered the State mathematics assessment that corresponds to the mathematics course in which they are enrolled. Mathematics courses with corresponding State end-of-course assessments are: Algebra I, Geometry, and Algebra II. Therefore, students who are enrolled in Algebra I as freshmen and Geometry as sophomores will be administered the State Algebra I assessment during their freshman year and the State Geometry assessment during their sophomore year. Likewise, students who take Geometry and Algebra II in their freshman and sophomore years, respectively, will be administered the State Geometry and Algebra II assessments in the corresponding year since the students would have taken Algebra I in eighth grade. The proposed amendments also will mirror the language and structure of the elementary and middle school components of the Statewide assessment at N.J.A.C. 6A:8-4.1(c)1 and 2.

The Department also proposes to delete existing N.J.A.C. 6A:8-4.1(c)3i, which carves out an exception that allows students to receive a waiver from the district board of education from taking the high school end-of-course PARCC assessment in ELA 11 due to the student's participation in another English language/literature college placement assessment during the same school year. The Department proposes deleting this exception because the high school end-of-course PARCC assessment in ELA 11 will no longer be administered.

The Department proposes to amend N.J.A.C. 6A:8-4.1(d)1, which requires district boards of education to provide appropriate accommodations or modifications to the Statewide assessment system as specified by the Department for ELLs and students with disabilities as determined by the IEP or 504 team. The Department proposes to add "all" before "appropriate accommodations" and to replace "as determined by the IEP or 504 team" with "specified in a student's IEP or 504 plan" to clarify that a student's IEP or 504 plan establishes the appropriate accommodations and modifications and that district boards of education are required to provide all such accommodations and modifications.

The Department proposes to amend N.J.A.C. 6A:8-4.1(d)1ii, which provides district boards of education with the option to allow a first-year ELL to substitute a Department-approved language proficiency test only for the English language arts section of the elementary or middle school component of the Statewide assessment when the student has entered the United States after July 1 of the calendar year prior to the test administration. The Department proposes to delete "section of the elementary or middle school" after "English language arts" and to replace "July 1" with "June 1." The proposed amendments will apply the rule to first-year ELLs in elementary, middle, or high school and will move up the deadline by one month. The proposed amendments will align the rule to New Jersey's Every Student Succeeds Act (ESSA) State Plan.

The Department proposes new N.J.A.C. 6A:8-4.1(d)1ii(1) to allow first-year ELLs to substitute a Department-approved English language proficiency test for the State ELA 10 assessment in accordance with N.J.A.C. 6A:8-4.1(d)1ii. The proposed rule will ensure that ELLs who use this option afforded under ESSA will be able to meet the graduation assessment requirements.

The Department proposes to add N.J.A.C. 6A:8-4.1(d)3iii to state that the Department shall implement an approved English language proficiency assessment to measure the progress in English language proficiency of ELLs who have been determined eligible by the IEP team for an alternative Department-approved English language proficiency assessment for students with disabilities. The proposed amendment will align the section to New Jersey's ESSA State Plan.

#### N.J.A.C. 6A:8-4.3, Accountability

This section requires specific reporting of annual State assessment results and requires district boards of education to provide appropriate instruction to improve skills and knowledge for students who perform below established proficiency levels on State or local assessments.

The Department proposes to amend N.J.A.C. 6A:8-4.3(a), which requires chief school administrators to report preliminary and final results of annual assessments to district boards of education within 60 days of receipt of information from the Department, by deleting "preliminary and" before "final" because the process for the Department's release of assessment data has changed and it no longer is appropriate for chief school administrators to publicly report preliminary data that may not include all student records. The Department also proposes to add "and members of the public at a public meeting" after "district boards of education" to ensure the public receives final annual assessment results in a timely manner.



The Department proposes to amend N.J.A.C. 6A:8-4.3(b), which requires district boards of education to provide parents, students, and citizens with annual assessment results, to instead require chief school administrators to provide educators, parents, and students with annual assessment results, as applicable, within 30 days of receipt of the information from the Department. The proposed amendments will ensure that educators, parents, and students receive applicable results in a timely manner and will make chief school administrators responsible for ensuring the information is disseminated.

#### N.J.A.C. 6A:8-4.5, Public reporting

This section requires the Department to report annually to the State Board and the public on the progress of all students and student subgroups toward mastery of the NJSLs as measured by the Statewide assessment system, by publishing and distributing the annual New Jersey School Report Card (now called the New Jersey School Performance Reports), without compromising the confidentiality of individual students.

The Department proposes to amend N.J.A.C. 6A:8-4.5(c), which requires the Department to report performance on the alternative performance assessment (APA) with the same frequency and in the same detail as it reports on other Statewide assessments, by replacing “APA” with “alternative State assessment for students with disabilities.” The name of the APA was changed in a previous rulemaking, but this reference was missed at that time.

### **Subchapter 5. Implementation of Graduation Requirements**

#### N.J.A.C. 6A:8-5.1, Graduation requirements

This section describes the ways in which students can obtain a high school diploma.

The Department proposes to amend N.J.A.C. 6A:8-5.1(a)6, which requires district board of education graduation policies to include the requirement that all students demonstrate proficiency in the PARCC ELA 10 and Algebra I assessments, or through the alternative means set forth at N.J.A.C. 6A:8-5.1(f) through (i), by removing the reference to “the high school end-of-course PARCC.” The Department also proposes to amend the rule, so students will now have to demonstrate proficiency in “assessments in ELA 10 and Algebra I, such as State ELA 10 and State Algebra I” or through the alternative means set forth at N.J.A.C. 6A:8-5.1(f) through (h). The Department proposes the same amendment at N.J.A.C. 6A:8-5.1(a)7.

The Department proposes to amend N.J.A.C. 6A:8-5.1(f), which was adopted in 2015, to phase-in revised graduation assessment requirements by providing alternative means of demonstrating proficiency in ELA 10 and Algebra I. The Department proposes to add language to clarify that after remediation, students will continue to have the opportunity to retake the applicable assessment if the student so chooses.

The Department proposes to amend N.J.A.C. 6A:8-5.1(f)1, which sets forth how specific graduation classes may demonstrate competency through alternative means of assessment. The Department proposes to delete references to the graduating classes of 2016 and 2017, and to maintain the alternative means of demonstrating proficiency for the classes of 2018 and 2019. The Department also proposes amendments to replace “both assessments” with “one or both assessments” to clarify that students in the classes of 2018 and 2019 who did not achieve a passing score on either assessment could access the additional pathways. The assessment graduation requirements and student access to alternative pathways for the classes of 2018 and 2019 are not being changed; the proposed amendments will ensure that every student in the two graduating classes continues to have access to the additional pathways.

The Department proposes to amend N.J.A.C. 6A:8-5.1(f)1i, which gives students the option of achieving a passing score on a corresponding substitute competency test in English language arts and/or mathematics, by deleting “or substitute a passing score on another end-of-course PARCC assessment, including ELA 9, ELA 11, Geometry, or Algebra II.” The proposed amendment is necessary because the Department will reduce the number of high school ELA and mathematic assessments administered moving forward. However, students in the classes of 2018 and 2019 can continue to use the ELA 9, ELA 11, Geometry, or Algebra II assessments to demonstrate mastery of ELA or mathematics for graduation purposes because the Department will include the assessments as corresponding substitute competency tests. The same amendment is proposed at N.J.A.C. 6A:8-5.1(f)2i for the classes of 2020 through 2025.

The Department proposes to amend N.J.A.C. 6A:8-5.1(f)2, which allows students in the graduating class of 2020 who take all applicable high school end-of-course PARCC assessments for all courses in which they are enrolled, including those students who received a waiver for ELA 11 pursuant to N.J.A.C. 6A:8-4.1(c)3i, as of September 6, 2016, and thereafter, but do not achieve a passing score on both the ELA 10 and Algebra I end-of-course PARCC assessments to satisfy the State requirement to demonstrate proficiency in ELA and mathematics through additional pathways. The Department proposes to expand the rule to graduating classes through 2025, which is aligned to the sunset date of N.J.A.C. 6A:8. The Department also proposes to replace “take all applicable high school end-of-course PARCC assessments for all courses in which they are enrolled, including those students who received a waiver for ELA 11 pursuant to N.J.A.C. 6A:8-4.1(c)3i, as of September 6, 2016, and thereafter, but” with “shall take the requisite assessments in ELA 10 and Algebra I in furtherance of meeting the requirements of (a)6i above” because students will be required to take only the State ELA 10 and Algebra I assessments before accessing

an alternative pathway to meet the State assessment requirement for graduation. The Department also proposes to clarify that, beginning in 11th grade, students may use an alternative pathway to meet the State assessment requirements for graduation if they have not yet achieved a passing score on one or both of the requisite assessments after remediation and being offered multiple opportunities to take the assessments. The Department further proposes to amend the rule to state the additional pathways will be available only to those students who have completed coursework in Algebra I and/or ELA grade 10 aligned to the NJSLs in a New Jersey public school.

The proposed amendments to N.J.A.C. 6A:8-5.1(f)2 and (f)2i capture an interim step intended to streamline the high school assessment requirements, particularly for students in the classes of 2020 through 2025 who do not pass State ELA 10 and Algebra I assessments and, therefore, would currently be required to take all end-of-course assessments, such as Geometry, ELA 9, and ELA 11 before accessing an alternative pathway. The Department proposes that beginning in 11th grade, students who have not achieved a passing score – as determined by the Commissioner in consultation with the State Board – in one or both of the requisite assessments following remediation and multiple opportunities to take the assessment(s), will then be able to access the alternative pathways. Finally, the Department proposes to maintain the current Algebra I and ELA 10 assessment requirements, even for students who take and pass Algebra I prior to entering high school, and to extend the additional pathways rule to the classes of 2020 through 2025.

The Department proposes new N.J.A.C. 6A:8-5.1(f)3 to provide alternative means of demonstrating proficiency in ELA 10 or Algebra I for students in the graduating classes of 2019 through 2025 who completed required coursework at a school that did not offer assessments in ELA 10 or Algebra I, including State ELA 10 and State Algebra I. These alternates include taking

and achieving a passing score on the State ELA 10 and Algebra I or achieving a passing score, as determined by the Commissioner in consultation with the State Board, on a corresponding substitute competency test in ELA and/or mathematics, as applicable, or meeting the criteria of the portfolio appeals process.

The Department proposes to delete N.J.A.C. 6A:8-5.1(g), which sets forth the various ways that students beginning with the graduating class of 2021 could demonstrate proficiency in ELA and mathematics rather than passing PARCC. The proposed deletion reflects the extension of the provisions in N.J.A.C. 6A:8-5.1(f)2 to the classes of 2020 through 2025.

The Department proposes to amend recodified N.J.A.C. 6A:8-5.1(h), which states that students who participate in the alternative assessment for students with disabilities are not required to participate in repeated administrations of high school end-of-course PARCC assessments, by replacing “high school end-of-course PARCC assessments” with “high school assessment components required in N.J.A.C. 6A:8-4.1(c)” to mirror the language in the cross-referenced rule.

#### N.J.A.C. 6A:8-5.2, High school diplomas

This section provides the requirements that must be met for district boards of education to award State-endorsed high school diplomas. The section provides the other paths by which New Jersey students can earn a diploma.

The Department proposes to amend the provision in N.J.A.C. 6A:8-5.2(b)2 that allows an out-of-school individual up to age 20 from graduating classes prior to 2016 to demonstrate proficiency as set forth in N.J.A.C. 6A:8-5.1(f)1. The proposed amendment will replace “2016” with “2018” and add “for the classes of 2018 and 2019” after “as set forth” to ensure all members

of graduating cohorts prior to the class of 2018 who qualify will have access to all options available to the classes of 2018 and 2019.

As the Department has provided a 60-day comment period on this notice of proposal, the notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

### **Social Impact**

The proposed amendments apply to all providers of publicly funded elementary and secondary education programs. The proposed amendments will affect individuals who administer and provide educational services, as well as students who receive the services.

The social impact of the proposed amendments on New Jersey's diverse student population will be positive, because the proposed amendments will simplify the State's high school graduation requirements for assessments while continuing to ensure students are prepared to enter the workforce, job training programs, or higher education. The proposed amendments also will clarify the rules pertaining to students with disabilities and ELLs and, in the case of ELLs, align the requirements to New Jersey's ESSA State Plan.

Streamlining State assessment requirements will ensure high school students have greater flexibility in options if, following remediation and opportunities for retaking the assessment(s), they are not able to demonstrate proficiency in ELA 10 and/or Algebra I, while still ensuring students master the knowledge and skills needed to enter the workforce, job training programs, or higher education. Reducing the high school State assessment schedule will have a positive social impact on students, families, educators, and other individuals who administer educational services

by diverting more resources to meaningful investments in academic support and career preparation opportunities that help students advance toward post-secondary success.

### **Economic Impact**

The economic impact of the proposed amendments will be positive. The proposed amendments will free up State and school district resources currently spent on administering the multiple assessments that will no longer be administered.

### **Federal Standards Statement**

The proposed amendments are in compliance with, and do not exceed, Federal education requirements included in the Every Student Succeeds Act (ESSA) (P.L. 114-95), which is the 2015 reauthorization of the Elementary and Secondary Education Act (ESEA), and in the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. § 1400). There are no other Federal requirements that impact the proposed amendments.

### **Jobs Impact**

The Department does not anticipate the proposed amendments will result in the generation or loss of jobs.

### **Agriculture Industry Impact**

The proposed amendments will have no impact on the agriculture industry in New Jersey.

### **Regulatory Flexibility Analysis**

The proposed amendments apply to all providers of publicly funded elementary, secondary, and adult high school education programs, including APSSDs. APSSDs are entities approved by the Department according to N.J.A.C. 6A:14-7.2 or 7.3 to provide special education and related services to students with disabilities placed by the district board of education responsible for providing the students' education. There are approximately 160 APSSDs in New Jersey and most APSSDs could be considered small businesses as that term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The chapter's rules are largely programmatic, based on achieving the NJSLS, and must be in place for all students. The proposed amendments will clarify the rules pertaining to students with disabilities and ELLs and will reduce the high school State assessment schedule, which will lessen the reporting, recordkeeping, and other compliance requirements on APSSDs that are related to providing services to public school students and administering State assessments. The Department does not anticipate that professional services will be needed to comply with the requirements as proposed for amendment or that APSSDs will incur costs not covered by the State or through tuition paid by school districts.

### **Housing Affordability Impact Analysis**

The proposed amendments will have an insignificant impact on the affordability of housing in New Jersey. There is an extreme unlikelihood the proposed amendments would evoke a change in the average costs associated with housing because the rules concern academic standards, Statewide assessments, and high school graduation requirements.

### **Smart Growth Development Impact Analysis**



The proposed amendments will have an insignificant impact on smart growth. There is an extreme unlikelihood the proposed amendments would evoke a change in housing production in Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the proposed amendments concern Statewide assessments and high school graduation requirements.

### **Racial and Ethnic Community Criminal Justice and Public Safety Impact Statement**

There is an extreme unlikelihood that the proposed amendments would have an impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State because the proposed amendments concern Statewide assessments and high school graduation requirements.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 6A:8-1.3 Definitions

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

...

“Alternative **State** assessment for students with disabilities” means the alternative assessment used to determine cumulative student achievement of the knowledge and skills specified by the New Jersey Student Learning Standards for students with disabilities who are unable to participate in the Statewide assessment system.

...

“PARCC assessment” means the set of assessments designed by the Partnership for Assessment of Readiness for College and Careers **that was used from the 2014-2015 through 2017-2018 school years** to determine student achievement of knowledge and skills specified by the NJSLS in English language arts and mathematics.

...

“Portfolio appeals process” means an alternative assessment of proficiency for graduation established by the Commissioner, utilizing techniques and instruments other than PARCC **English language arts (ELA) 10 or Algebra I assessments, the State ELA 10 and Algebra I assessments, or substitute competency tests.**

...

“Substitute competency test” means an alternative set of third-party assessments approved by the Commissioner, including, but not limited to, the SAT, PSAT, ACT, ACT-Aspire, **Armed Services Vocational Aptitude Battery-Armed Forces Qualifying Test (ASVAB-AFQT)**, or Accuplacer, that can be used to demonstrate competency in the NJSLS for students who have not demonstrated proficiency on PARCC **ELA 10 or Algebra I assessments or the State ELA 10 or Algebra I assessments.**

...

SUBCHAPTER 3. IMPLEMENTATION OF THE NEW JERSEY STUDENT LEARNING 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 NJSLS and shall ensure that appropriate instructional adaptations are designed and delivered for students with disabilities, for ELLs, for students enrolled in alternative education programs, and for students who are gifted and talented.

1. – 3. (No change.)

4. District boards of education shall [be responsible for developing for] **provide** all students with disabilities **an** educational program[s] aligned with the NJSLS, [with appropriate] **as well as the required individualized** accommodations, instructional adaptations, and/or modifications as [determined by the] **specified in a student’s IEP or 504 [team] plan.**

5. – 7. (No change.)

(b) – (d) (No change.)

SUBCHAPTER 4. IMPLEMENTATION OF THE STATEWIDE ASSESSMENT SYSTEM

6A:8-4.1 Statewide assessment system

(a) – (b) (No change.)

(c) District boards of education shall, according to a schedule prescribed by the Commissioner, administer the applicable Statewide assessments, including the following major components: the elementary assessment component for grades three through five; the middle school assessment component for grades six through eight, the high school [end-of-course PARCC] assessment[s] **component**, and the alternative **State** assessment for students with disabilities and provide notification to each student entering grades three through 12 of the Statewide assessment schedule.

1. – 2. (No change.)

3. The Department shall implement a high school assessment [program] component of the **Statewide assessment of the** NJSLS [that assesses, at a minimum,] **consisting of:**

**i.** English language arts[, mathematics,] **in grades nine and 10;**

**ii.** **Mathematics in grades nine and 10;** and

**iii.** **One assessment in science.** [with the exception of the following:]

[i. Students may receive a waiver from the district board of education from taking the high school end-of-course PARCC assessment in ELA 11 due to the student’s participation in another English language/literature college placement assessment during the same school year.]

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

1. District boards of education shall provide **all** 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] **specified in a student's IEP or 504 [team] plan.**

- i. (No change.)
- ii. District boards of education shall have the option for a first-year ELL of substituting a Department-approved language proficiency test only for the English language arts [section of the elementary or middle school] component of the Statewide assessment, when the student has entered the United States after [July] **June** 1 of the calendar year prior to the test administration.

**(1) First-year ELLs who substitute a Department-approved English language proficiency test for the State ELA 10 assessment in accordance with (d)1ii above are not required to take the State ELA 10 assessment.**

- 2. (No change.)
- 3. At specific times prescribed by the Commissioner, district boards of education shall administer the alternative **State** assessment for students with disabilities to students with severe disabilities who cannot participate in other assessments due to the severity of their disabilities.
  - i. The Department shall implement the alternative **State** assessment for students with disabilities according to the schedules in (c)1, 2, and 3 above.
  - ii. The alternative **State** assessment for students with disabilities measures the progress of students who have been determined eligible for the

alternative **State** assessment for students with disabilities by the IEP team in accordance with N.J.A.C. 6A:14-4.10.

- iii. **The Department shall also implement an approved English language proficiency assessment to measure the progress in English language proficiency of ELLs who have been determined eligible by the IEP team for an alternative Department-approved English language proficiency assessment for students with disabilities.**

4. (No change.)

(e) (No change.)

#### 6A:8-4.3 Accountability

- (a) Chief school administrators shall report [preliminary and] final results of annual assessments to district boards of education **and members of the public at a public meeting** within 60 days of receipt of information from the Department.
- (b) [District boards of education] **Chief school administrators** shall provide **educators, parents, and students**[, and citizens] with the results of annual assessments [according to] **as required under N.J.A.C. 6A:8-4.2(a), within 30 days of receipt of information from the Department.**

(c) – (d) (No change.)

#### 6A:8-4.5 Public reporting

(a) – (b) (No change.)

- (c) The Department shall report performance on the [APA] **alternative State assessment for students with disabilities** 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) (No change.)

## SUBCHAPTER 5. IMPLEMENTATION OF GRADUATION REQUIREMENTS

### 6A:8-5.1 Graduation requirements

- (a) For a State-endorsed diploma, district boards of education shall develop, adopt, and implement local graduation requirements that prepare students for success in post-secondary degree programs, careers, and civic life in the 21st century, and that include the following:
  - 1. – 5. (No change.)
  - 6. The requirement that all students demonstrate proficiency [in the high school end-of-course PARCC] **by:**
    - i. Achieving a passing score on** assessments in ELA 10 and Algebra I, **such as State ELA 10 and State Algebra I;** or [through]
    - ii. Through** the alternative means set forth at (f) through [(i)] **(h)** below;
  - 7. Students graduating from an adult high school shall demonstrate proficiency in [the high school end-of-course PARCC] assessments in ELA 10 and Algebra I, **such as State ELA and State Algebra I,** or through the alternative means set forth at (f) through [(i)] **(h)** below.

(b) – (e) (No change.)

(f) [To ensure adequate transition to the new Statewide assessment system, district] **District** boards of education shall provide students who have not demonstrated proficiency on the [high school end-of-course PARCC assessments in] ELA 10 and Algebra I **assessments with remediation and the opportunity to retake the applicable assessment if the student so chooses and** with the opportunity to demonstrate such competence through one of the alternative means set forth below:

1. For the graduating classes of [2016, 2017,] 2018[,] and 2019, students who did not take both the ELA 10 and the Algebra I end-of-course PARCC assessment or who [take,] **took** but [do] **did** not achieve a passing score on **one or** both assessments, as required by (a)6i above, may satisfy the State requirement to demonstrate proficiency in English language arts [and] **and/or** mathematics, **as applicable**, in one of the following ways:
  - i. Achieve a passing score, as determined by the Commissioner, on a corresponding substitute competency test in English language arts and/or mathematics, as applicable[, or substitute a passing score on another end-of-course PARCC assessment, including ELA 9, ELA 11, Geometry, or Algebra II]; or
  - ii. Meet the criteria of the portfolio appeals process; [and]
2. For the graduating classes of 2020 **through 2025**, **all** students who **have completed coursework in Algebra I and/or ELA grade 10 aligned to the NJSLS in a New Jersey public school shall** take [all applicable high school end-of-course PARCC assessments for all courses in which they are enrolled,



including those students who received a waiver for ELA 11 pursuant to N.J.A.C. 6A:8-4.1(c)3i, as of September 6, 2016, and thereafter, but do not achieve] **the requisite assessments in ELA 10 and Algebra I in furtherance of meeting the requirements of (a)6i above. Beginning in 11th grade, students who have not yet achieved** a passing score on **one or both of** the [ELA 10 and Algebra I end-of-course PARCC] **requisite** assessments pursuant to (a)6i above **after remediation and being offered multiple opportunities to take the assessments,** may satisfy the State requirement to demonstrate proficiency in English language arts and/or mathematics in one of the following ways:

- i. Achieve a passing score, as determined by the Commissioner **in consultation with the State Board of Education**, on a corresponding substitute competency test in English language arts and/or mathematics, as applicable[, or substitute a passing score on another end-of-course PARCC assessment, including ELA 9, ELA 11, Geometry, or Algebra II]; or
- ii. Meet the criteria of the portfolio appeals process[.]; **and**

**3. For the graduating classes of 2019 through 2025, students who completed the required coursework at a school that did not offer assessments allowing the student the opportunity to satisfy (a)6i above shall satisfy the State requirement to demonstrate proficiency in ELA and/or mathematics in one of the following ways:**

- i. **Take and achieve a passing score on the State ELA 10 and Algebra I;**  
**or**

- ii. **Achieve a passing score, as determined by the Commissioner in consultation with the State Board of Education, on a corresponding substitute competency test, as determined by the Commissioner, in ELA and/or mathematics, as applicable; or**
- iii. **Meet the criteria of the portfolio appeals process.**

[(g) Beginning with the graduating class of 2021, students who take all applicable high school end-of-course PARCC assessments for all courses in which they are enrolled, including those students who received a waiver for ELA 11 pursuant to N.J.A.C. 6A:8-4.1(c)3i, as of September 6, 2016, and thereafter, but do not achieve a passing score on both the ELA 10 and Algebra I end-of-course PARCC assessments pursuant to (a)6 above, by the conclusion of their senior year and after multiple opportunities to take the assessments, may satisfy the State requirement to demonstrate proficiency in English language arts and mathematics by meeting the criteria of the portfolio appeals process.]

[(h)] (g) All ELLs shall satisfy the requirements for high school graduation, except ELLs may demonstrate they have attained State minimum levels of proficiency through passage of the portfolio appeals process in their native language, when available, and passage of a [Department approved] **Department-approved**, English fluency assessment.

[(i)] (h) Students with disabilities as defined in N.J.A.C. 6A:14-1.3 or eligible under Section 504 of the Rehabilitation Act who participate in the alternative assessment for students with disabilities are not required to participate in repeated administrations of high school [end-of-course PARCC] assessment[s] **components required under N.J.A.C. 6A:8-4.1(c).**

6A:8-5.2 High school diplomas

- (a) (No change.)
- (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. (No change.)
  - 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 [high school end-of-course PARCC] **State assessments in ELA 10 or Algebra I** to demonstrate proficiency as set forth in N.J.A.C. 6A:8-5.1(f) pursuant to the standards applicable to the student's graduating class. Students in graduating classes prior to [2016] **2018** shall demonstrate proficiency as set forth **for the classes of 2018 and 2019** in N.J.A.C. 6A:8-5.1(f)1. Upon certification of passing the test applicable to the student's class in accordance with this chapter, a State-endorsed diploma shall be granted by the high school of record.
- (c) – (d) (No change.)
- (e) District boards of education shall award a State-endorsed high school diploma to any currently enrolled student, regardless of grade level, who:
  - 1. Has demonstrated proficiency in [the high school end-of-course PARCC assessments in] ELA 10 and Algebra I[, or] as set forth in N.J.A.C. 6A:8-5.1(f);
  - 2. – 3. (No change.)
- (f) Pursuant to N.J.S.A. 18A:7C-7 and 18A:7E-3, the chief school administrator or lead person of a charter school shall report annually to the district board of education or the

charter school board of trustees at a public meeting not later than September 30, and to the Commissioner:

1. – 5. (No change.)

6. The number of students denied graduation from the 12th grade class solely because of failure to pass the [high school end-of-course PARCC] **State ELA 10 or State Algebra I** assessments, substitute competency tests, or portfolio appeals process based on the provisions of this chapter.