



AS APPROVED WITH AMENDMENTS

Proposal Level

October 3, 2018

State of New Jersey
DEPARTMENT OF EDUCATION
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TO: Members, State Board of Education

FROM: Lamont O. Repollet, Ed.D.
Commissioner

SUBJECT: N.J.A.C. 6A:8, Standards and Assessment

REASON FOR ACTION: Amendments

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

SUNSET DATE: May 3, 2025

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 proposal 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 proposal 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 proposal, 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: i. English language arts in grades nine and 10; ii. Mathematics in grades nine and 10; and iii. 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 the proposal, 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 freshman 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 N.J.A.C. 6A:8-4.1(d)1iii(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 proposal 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 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 recodify N.J.A.C. 6A:8-5.1(h) and (i) as (g) and (h), respectively.

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. 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. However, the proposed amendments will not place additional reporting requirements on APSSDs.

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 proposed amendments follows (addition indicated in boldface **thus**; deletions indicated in brackets [thus]):

N.J.A.C. 6A:8, STANDARDS AND ASSESSMENT

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CHAPTER 8, STANDARDS AND ASSESSMENT

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.

“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.

“Adult education assessment test” means a test approved by the United States Department of Education that is used to award a State-issued high school diploma.

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

"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).

“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.

“Annual measurable objectives” or “AMOs” means the performance targets set by New Jersey in the Elementary and Secondary Education Act (ESEA) flexibility waiver approved by the United States Department of Education.

“Approved private schools for the disabled” means incorporated 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 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 New Jersey Student Learning Standards.

“Career awareness, exploration, and preparation” means instruction and programs that 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 college, training, and employment.

“Career and technical education” means as defined in N.J.A.C. 6A:19-1.2.

“Charter school” means as defined in N.J.A.C. 6A:11-1.2.

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

“CLEP” means College-Level Examination Program, which enables students to receive college credit by earning qualifying scores on examinations that are offered by the College Board and 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 the course.

“Content equivalent” means courses or activities that include the same or equivalent knowledge and skills as found in traditionally titled courses that are required for high school graduation and are aligned with the New Jersey Student Learning Standards. The 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.

“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.

“Cut score” means a score on the assessment scales that demarcates the various performance levels.

“ELL” means English language learner, indicating a person who is in the process of acquiring English and has a first language other than English. ELLs sometimes are referred to as limited English proficient (LEP).

“English language development standards” means as defined in N.J.A.C. 6A:15-1.2.

“Evaluation,” formerly called “monitoring,” means the process by which the Commissioner 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 that 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 that 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 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.

“IEP” means individualized education program as defined in N.J.A.C. 6A:14-1.3.

“IEP team” means as defined in N.J.A.C. 6A:14-1.3.

“Indicator” means statements that further delineate the NJSLS.

“Individualized student learning opportunities” means student experiences based upon specific instructional objectives that meet or exceed the NJSLS at the high school level. Such opportunities may occur in all NJSLS and may include, but are not limited to, independent study; online learning; study-abroad programs; student exchange programs; and structured learning experiences, including, but not limited to, work-based programs, internships, apprenticeships, and service learning experiences. The 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 in alternative education programs or who are gifted and talented to participate in, benefit from, and/or demonstrate knowledge and application of the NJSLS.

“Interdisciplinary connections” means integrating NJSLS 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 lower proficiency ranges.

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

“New Jersey Student Learning Standards” or “NJSLS” means standards adopted by the State Board of Education on May 1, 1996, and as thereafter revised by the State Board, and the Common Core State Standards adopted by the State Board on June 16, 2010, and as thereafter revised by the State Board, that describe the knowledge and skills all New Jersey students are expected to acquire by benchmark grades in the following areas: English language arts; mathematics; science; social studies; visual and performing arts; comprehensive health and physical education; world languages; technology; and 21st career life and careers. The standards are established for the provision of a thorough and efficient education pursuant to N.J.S.A. 18A:7F-46 and as a basis for the evaluation of school districts in accordance with N.J.A.C. 6A:30.

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

“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 NJSL in English language arts and mathematics.

“Performance level” means one of several categories describing student proficiency with regard to the achievement of the NJSL.

“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, including teachers, counselors, and parents.

“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, or the State ELA 10 and Algebra I assessments, or substitute competency tests.

“Professional development” means a comprehensive, sustained, and intensive approach to improving the effectiveness of teachers, principals, and other school personnel in raising student achievement.

“Proficient” or “proficiency” means a student-achieved score at or above the cut score₂ 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 pursuant to N.J.A.C. 6A:30 to review and evaluate school district operations.

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

“Service learning experience” means a method that allows students or participants to learn and develop through active participation in thoughtfully organized activities that are conducted in and meet the needs of a community, and that help foster civic responsibility. Service learning experiences shall be coordinated with the community and with an elementary or secondary school, institution of higher education, or community-services program; shall be integrated into and enhance the school district’s academic curriculum; and shall provide structured time for students to reflect on the service experience.

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

“Standards support materials” means documents published by the Department that include and elaborate on the NJSLs for preschool 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 locally-issued document awarded to an exiting student indicating successful completion of high school graduation requirements.

“State-issued high school diploma” means a diploma issued by the State of New Jersey.

“State Seal of Biliteracy” means the designation established pursuant to P.L. 2015, c. 303, to recognize high school graduates who have attained a high level of interpretive, interpersonal, and presentational proficiency in one or more languages in addition to English.

“Structured learning experience” means as defined in N.J.A.C. 6A:19-1.2.

“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 to acquire academic and cross-cultural skills that will help them live and work in a globally interdependent world.

“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.**

"Technological literacy" means students meeting NJSLS 8.1 Educational Technology, obtained through the integration of effective educational technology practices, strategies, and tools throughout all curricular areas.

“Transcript” means a document for all students exiting the public education system that describes a student’s progress toward achievement of the NJSLS 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 themes and skills” means themes such as global awareness; financial, economic, business, and entrepreneurial literacy; civic literacy; health literacy; learning and innovation skills, including creativity and innovation, critical thinking and problem solving, and communication and collaboration; information, media, and technology skills; and life and career skills, including flexibility and adaptability, initiative and self-direction, social and cross-cultural skills, productivity and accountability, and leadership and responsibility.

**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. The Department 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 NJSLs.
 2. District boards of education shall encourage the active involvement of representatives from the community, business, industry, labor, and higher education in the development of educational programs aligned with the NJSLs.
 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 NJSLs, 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 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. 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 kindergarten-through-grade-12 (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 Programming 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 mandatory professional development requirements specified in N.J.A.C. 6A:9C-3.
 - i. District boards of education shall facilitate the development and implementation by school leaders of professional growth plans aligned with the requirements set forth at N.J.A.C. 6A:9C.
 7. District boards of education shall be responsible for developing for ELLs English language assistance programs that are aligned to the NJSLS and the English language development 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 college and careers upon their graduation. Examples of such programs include, but are not limited to, academic programs, career and technical education programs, and/or magnet programs.

1. District boards of education shall implement educational programs that prepare all students for success in college and careers, including the kindergarten through grade eight development of academic skills integral to success in high school courses.
 2. District boards of education of 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 modifications to the NJSLs, according to N.J.A.C. 6A:8-2.
1. District boards of education shall include interdisciplinary connections throughout the K-12 curriculum.
 2. District boards of education shall integrate into the curriculum 21st century themes and skills.
 3. District boards of education shall provide the time and resources to develop, review, and enhance inter-disciplinary connections, supportive curricula, and instructional tools for helping students acquire required knowledge and skills.
The 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, for students at risk of school failure, 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.

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:7C-1 et seq., and 18A:7E-2 and 3, may implement assessment of student achievement in the State's public schools in any grade(s) and by such assessments as he or she deems appropriate. The Commissioner shall report to the State Board the results of such assessments.
- (b) The Commissioner shall implement a system and related schedule of Statewide assessments to evaluate student achievement of the NJSLs.
 - 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 NJSLs at grade levels three through 12.
 - 2. After consultation with the Commissioner, the State Board shall establish by resolution uniform Statewide criteria defining adequate school district progress toward meeting the NJSLs.

- (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 assessments] **high school assessment 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. The Department shall implement the elementary component of the Statewide assessment of the NJSLs consisting of the following:
 - i. Continued administration of mathematics and English language arts in grades three, four, and five, and of science in grade five.
 2. The Department shall implement the middle school component of the Statewide assessment of the NJSLs consisting of the following:
 - i. Continued administration of mathematics and English language arts in grades six, seven, and eight, and of science in grade eight.
 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 [[one assessment in each of the following subjects]]:**
 - i. English language arts **in grades nine and 10**[,];
 - ii. [mathematics,] **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. District boards of education may administer the Statewide assessments in mathematics to ELLs in their native language, when available, and/or English.

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. District boards of education shall ensure 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. 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 also 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.**

4. District boards of education shall implement alternative ways for students to demonstrate graduation proficiency in accordance with N.J.A.C. 6A:8-5.1(f).

- (e) District boards of education shall be responsible for ensuring the security of all components of the Statewide assessment system that are administered within the school district.

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 in N.J.A.C. 6A:8-4.2(a), within 30 days of receipt of information from the Department.**
- (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 NJSLS as measured by the Statewide assessment system.

6A:8-4.5 Public reporting

- (a) The Department shall report annually to the State Board and the public on the progress of all students and student subgroups in meeting the NJSLS 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.
- (b) After each test administration, the Department shall report to district boards of education on the performance of all students and of student subgroups.
- (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) In public reporting of school and district performance data, the Department shall not compromise the confidentiality of individual students.

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. Participation in a local program of study of not fewer than 120 credits in courses designed to meet all of the NJSLs, including, but not limited to, the following credits:
 - i. At least 20 credits in English language arts, 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 effective with the 2008-2009 grade nine class; geometry or the content equivalent effective with the 2010-2011 grade nine class; and 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; one additional laboratory/inquiry-based science course, which shall include chemistry, environmental science, or physics effective with 2010-2011 grade nine class; and one additional laboratory/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 NJSLS, 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 individualized learning opportunities, as follows:
- i. District boards of education shall establish a process to approve individualized student learning opportunities that meet or exceed the NJSLS.
 - (1) Individualized student learning opportunities in all NJSLS areas include, but are not limited to, the following:
 - (A) Independent study;
 - (B) Online learning;
 - (C) Study abroad programs;
 - (D) Student exchange programs; and
 - (E) Structured learning experiences, including, but not limited to, work-based programs, internships, apprenticeships, and service learning experiences.

- (2) Individualized student learning opportunities based upon specific instructional objectives aimed at meeting or exceeding the NJSLS shall:
 - (A) Be based on student interest and career goals as reflected in the Personalized Student Learning Plans
 - (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 or her designee.
 - (3) Group programs based upon specific instructional objectives aimed at meeting or exceeding the NJSLS 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 NJSLS at the high school level, including standards achieved by means of the individualized student learning opportunities enumerated at (a)2 above. 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 NJSLS 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 ACTFL and recognized as fulfilling the world languages requirement of the NJSLs:
 - (A) The STAMP online assessment;
 - (B) The OPI or 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, 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 NJSLs.
 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;
 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) In the development of Personalized Student Learning Plans according to N.J.A.C. 6A:8-3.2(a), district boards of education shall 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) Through the IEP process and pursuant to N.J.A.C. 6A:14-4.11, district boards of education may specify alternate requirements for a State-endorsed diploma for individual students with disabilities as defined in N.J.A.C. 6A:14-1.3.

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 the specified alternate requirements for graduation individually determined in an IEP.

(d) District boards of education shall provide to the executive county superintendent their graduation requirements each year they are evaluated through QSAC and update the filed copy each time their graduation policies are revised.

- (e) District boards of education shall provide 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 the programs available to assist students in attaining a State-endorsed diploma, in accordance with N.J.S.A. 18A:7C-5.
- (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/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 [class] **classes** of 2020 [[and beyond]] **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] **the requisite assessments in ELA 10 and Algebra I in furtherance of meeting the requirements of (a)6i above. [[Students]] Beginning in 11th grade, students who [[do not achieve]] 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.

3. For the graduating classes of 2019 [[and beyond]] 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, 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 assessments] **high school assessment components required in N.J.A.C. 6A:8-4.1(c).**

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) or (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 [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) Pursuant to N.J.A.C. 6A:20-1.4, the Commissioner shall award a State-issued high school diploma based on achieving the Statewide standard score on the General Education Development test (GED) or other adult education assessments 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, 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. 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) 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. The total number of students graduated;
 2. The number of students graduated under the substitute competency test process;
 3. The number of students graduated under the portfolio appeals process;
 4. 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;
 5. The total number of students denied graduation from the 12th grade class; and
 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.