

## **Proposed Readoption with Amendments of N.J.A.C. 6A:20, Adult Education Programs**

The following is the accessible version of the proposed readoption with amendments of N.J.A.C. 6A:20, Adult Education Programs. The proposal level document includes three sections – [comment and response](#), [summary of the chapter and proposed amendments](#) and [text of the chapter and proposed amendments](#).

**State Board of Education  
Administrative Code  
Comment/Response Form**

This comment and response form contains comments from the July 1, 2020, meeting of the State Board of Education when the rulemaking was considered at Second Discussion Level.

**Topic:** Adult Education

**Meeting Date:** August 19, 2020

**Code Citation:** N.J.A.C. 6A:20

**Level:** Proposal

**Division:** Academics and Performance

**Completed by:** Office of Career Readiness

**Summary of Comments and Agency Responses:**

The following is a summary of the comments received from State Board member and members of the public and the Department of Education's (Department) responses. Each commenter is identified at the end of the comment by a letter or number that corresponds to the following list:

1. Jean Publee

**1. Comment:** The commenter stated that all adult high schools should be shut down due to the burden to tax payers and that the courses by adult high schools offered do not meet high school requirements. **(1)**

**Response:** The 11 adult high schools in New Jersey are part of a school district. Adult high schools enable high school students who cannot finish their education at a traditional high school to complete the required courses needed to receive a State-endorsed high school diploma. All courses offered at an adult high school must meet State and school district graduation requirements.



**State of New Jersey**  
DEPARTMENT OF EDUCATION  
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**Proposal Level**  
**August 19, 2020**

PHILIP D. MURPHY  
*Governor*  
SHEILA Y. OLIVER  
*Lt. Governor*

KEVIN DEHMER  
*Interim Commissioner*

To: Members, State Board of Education

From: Kevin Dehmer  
Interim Commissioner

Subject: N.J.A.C. 6A:20, Adult Education Programs

Reason for Action: Readoption with Amendments

Authority: N.J.S.A. 18A:4-15, 18A:7C-1 et seq., 18A:48-1, and 18A:50-13;  
and the Workforce Innovation and Opportunity Act, 29 U.S.C. §§  
3101 et seq.

Sunset Date: September 3, 2020

### **Summary**

The Department of Education proposes to readopt with amendments N.J.A.C. 6A:20, Adult Education Programs. The chapter is scheduled to expire on September 3, 2020. The chapter establishes rules pertaining to adult high schools and the issuance of State-issued high school diplomas.

Chapter 20 was adopted as new rules, effective September 3, 2013. Previously, the chapter was in Title 6 of New Jersey Administrative Code as Chapter 30. N.J.A.C. 6:30, Adult Education Programs, was adopted as new rules in July 1988.

The chapter provides three pathways to a high school diploma for persons age 16 years or older. The first pathway allows persons age 16 years or older who are no longer enrolled in high school and are residents of the State of New Jersey to earn a State-issued high school diploma by attending an adult education program that receives Title II funding under the Federal Workforce Innovation and Opportunity Act (WIOA) and passing a New Jersey High School Equivalency Assessment (NJHSEA). The New Jersey Department of Labor and Workforce Development (NJLWD) monitors adult education programs that receive Title II funding under the WIOA, but the Department of Education (Department) provides the State-issued high school diploma.

The second pathway enables persons age 16 years or older who are no longer enrolled in high school and are New Jersey residents to earn a State-issued high school diploma based on the

evaluation of 30 credits of college coursework. The Department evaluates the college coursework and provides the State-issued high school diploma.

The third pathway allows persons age 16 years or older to earn a State-endorsed diploma by attending and graduating from one of the 11 adult high schools in New Jersey. District boards of education operate the adult high schools and award a State-endorsed high school diploma to adult high school graduates.

Based in part on feedback from the education field, the Department proposes to readopt the chapter with amendments to align the rules to current practice.

The following is a summary of each section within the chapter and the proposed amendments. All proposed amendments are intended to update references to New Jersey statutes, or provide clarity or grammatical improvement, unless otherwise stated.

### **Subchapter 1. General Provisions**

This subchapter establishes the chapter's purpose and scope, as well as the chapter's definitions. The subchapter also establishes the chapter's requirements to earn a State-issued high school diploma.

#### **N.J.A.C. 6A:20-1.1 Purpose and function**

This section establishes the chapter's purpose.

The Department proposes amendments at N.J.A.C. 6A:20-1.1(a), which establishes the responsibilities related to adult education of the Office of Certification/Induction in the Division of Teacher and Leader Effectiveness, to correct the name to the Adult Education Unit within the Department's Office of Career Readiness.

The Department proposes to delete N.J.A.C. 6A:20-1.1(a)2, which establishes the evaluation of programs cited in the chapter as one of the Office of Certification/Induction's responsibilities. The NJDOL monitors adult education programs that receive Title II funding under the WIOA). The evaluation of adult high schools is part of the Department's monitoring of school districts under the New Jersey Quality Single Accountability Continuum (NJQSAC). Under NJQSAC, school districts are evaluated in five key component areas of school district effectiveness — Instruction and Program, Personnel, Fiscal Management, Operations, and Governance — to determine the extent to which school districts are providing a thorough and efficient education. Adult high schools, which follow the same credit and programmatic requirements and issue the same State-endorsed high school diploma as traditional high schools in a school district, are part of the Department's monitoring in exactly the same manner as any high school in the same school district. For example, the Instruction and Program indicators monitor student achievement and progress using districtwide State assessment results and graduation rates, both of which include students in adult high schools if operated by a school district. Further, Instruction and Program indicators monitor all content areas of the New Jersey Student Learning Standards (NJSLS) to ensure school districts have developed curricula that complies with the NJSLS. Adult high schools are required to use the same curriculum as any

high school in the school district and, therefore, are monitored accordingly. The rule was not deleted as part of the readoption in 2013 due to an oversight.

The Department proposes to recodify existing N.J.A.C. 6A:20-1.1(a)3 through 5 as new N.J.A.C. 6A:20-1.1(a)2 through 4, respectively.

The Department proposes to amend new N.J.A.C. 6A:20-1.1(a)2, which establishes the supervision of adult education assessment testing as one of the Department's responsibilities. The Department proposes to replace "adult education assessment testing" with "NJHSEA testing centers" because the Department oversees the testing centers that administer NJSHEAs rather than the actual testing.

The Department proposes to amend new N.J.A.C. 6A:20-1.1(a)3, which charges the Department with evaluating college transcripts of persons applying for a State-issued high school diploma. The Department proposes to add "pursuant to N.J.A.C. 6A:20-1.4(a)2" to cross-reference the rule that allows for the awarding of a State-issued high school diploma based on 30 college credits.

The Department proposes new N.J.A.C. 6A:20-1.1(a)5 to establish as one of the Department's responsibilities the review of data on adults without high school diplomas to help ensure programming is meeting their needs.

### **N.J.A.C. 6A:20-1.2 Definitions**

This section establishes definitions relevant to the chapter.

The Department proposes amendments to the definition of "accredited," which means a high school, college, or university has met the criteria and standard set by the appropriate accrediting agency such as the Middle States Association. The Department proposes to add "traditional" before "high school" and "private career school, or a traditional or online" before "college or university," respectively, to clarify the type of high school and college or university that can be accredited and to specify that a private career school also can be accredited.

The Department proposes to delete the term "adult education assessment test," which means a test approved by the United States Department of Education that is used to award a State-issued high school diploma, because the term no longer will be used in the chapter as proposed for amendment.

The Department proposes amendments to the definition of "adult high school," which means a district board of education school that conducts supervised educational activities in the day or evening to provide person 18 years of age or older with the necessary instruction to enable them to complete the requirements for a locally issued, State-endorsed diploma. The Department proposes to replace "18 years of age" with "who are 16 years of age or older and no longer enrolled in high school" because persons who are at least 16 years of age can earn a high school diploma under the chapter's provisions if they meet certain requirements. The Department also proposes to add "[e]ach adult high school has a separate County District School (CDS) System code from the school district" at the end to indicate that an adult high school is another high school within a school district that follows all State and local requirements.

The Department proposes to delete the definition of “adult’s primary language” since the term is not used in the chapter.

The Department proposes to add a definition for “County District School (CDS) System,” which means an information system located on the Department’s website that collects and tracks data about educational entities in New Jersey that receive State or Federal funds.

The Department proposes to delete the term “disabled adult,” which means an adult who has a physiological, mental, or psychological disorder or condition that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. Instead, the Department proposes to add the term “disability” to mean, with respect to an individual, a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment. The proposed deletion and addition of terms will update terminology and align to the Federal American with Disabilities Act (ADA), 42 U.S. Code § 12102.

The Department proposes amendments to the definition of “emancipated minor,” which means a person 16 or 17 years of age domiciled in an independent housing arrangement and not responsible to natural or foster parents or guardians. The Department proposes to replace “domiciled” with “who resides” because emancipated minors and other eligible persons must be State residents to qualify for programs under this chapter and not domiciled in a particular school district, municipality, or county. The Department proposes the same amendment throughout the chapter, where necessary. The Department also proposes to replace “natural or foster parents” with “a natural or resource family parent(s)” because “resource family” is the preferred term and is synonymous with “foster,” as defined in the Federal Elementary and Secondary Education Act, as reauthorized by the Every Student Succeeds Act (PL 114-95). The same amendment is proposed throughout the chapter, where necessary.

The Department proposes to delete the definition of “English language fluency” as the term will not be used in the chapter as proposed for amendment.

The Department proposes to add a definition for “English language learner” or “ELL” to mean a student whose native language is other than English. The term refers to students with varying degrees of English language proficiency in any one of the domains of speaking, reading, writing, or listening and is synonymous with limited English speaking ability as used in N.J.S.A. 18A:35-15 to 26.

The Department proposes to delete the definition of “limited English proficient adult” as the term will not be used in the chapter as proposed for amendment.

The Department proposes to delete the term “locally-issued State-endorsed diploma,” which means a high school diploma awarded to a person 18 years of age or older by a district board of education that conducts an adult high school endorsed by the State Board of Education. Instead, the Department proposes to add the term “State-endorsed diploma” to mean a locally issued document awarded to an exiting student indicating successful completion of high school graduation requirements, which is the definition for the term in N.J.A.C. 6A:8, Standards and Assessment.

The Department proposes a new definition for “New Jersey High School Equivalency Assessment” (NJHSEA) to mean any of the assessments approved by the State Board of Education for achieving a New Jersey State-issued high school diploma. The General Education Development (GED), High School Standard Equivalency Test (HiSET), and Test Assessing Secondary Completion (TASC) are the current approved assessments.

The Department proposes to replace the definition of “occupational license,” which means a certificate verifying a person has met qualifications prescribed by an issuing State agency for occupations designated by the NJDOL. Instead, the Department proposes that the term means “the license required to ensure that only qualified individuals work in occupations that affect the health and safety of the public in the State. Individuals seeking such a license must meet specific qualifications mandated by State law or regulation.” The proposed definition reflects that a license is mandated by the State to ensure that qualified individuals work in the occupations defined.

The Department proposes amendments to the definition of “official transcript,” which means an individual’s record of high school or college courses, grades, and credits awarded, or a record of GED or other adult assessment test scores. The Department proposes to add “adult high school” after “high school” because persons may also have a transcript from an adult high school. The Department also proposes to replace “GED or other adult assessment test scores” with “NJHSEA or other assessments approved by the State Board of Education.” There currently are three assessments approved by the State Board of Education that lead to a State-issued high school diploma and other assessments approved by the State Board of Education that are administered in high school and could appear on a transcript. The Department also proposes to replace “GED” with “NJHSEA” throughout the chapter, where necessary.

The Department proposes amendments to the definition of “proprietary school,” which means a privately owned school, to add “such as a private career and technical school” as an example of a proprietary school.

The Department proposes a new definition for “senior standing” to mean one year or less of credit hours remaining in order to meet high school graduation requirements.

The Department proposes a new definition for “State-issued high school diploma” to mean a high school diploma provided by the New Jersey Department of Education to persons 16 years of age or older and no longer enrolled in school to document the attainment of the skills and knowledge equivalent to a high school education.

The Department proposes amendments to the definition of “traditional course,” which means a course that has specified lengths of time for class meetings and the completion of activities necessary to achieve the accepted level of proficiencies for the award of credit. The Department proposes to add “a specific number of” before “class meetings” because classes meet a specific number of times throughout a course.

### **N.J.A.C. 6A:20-1.3 Age and out-of-school requirements**

This section establishes the age requirements for participation in an adult education program and specifies when a certificate of consent is required to participate in programs described in the chapter.

The Department proposes to change the section heading to “Eligibility requirements to earn a State-issued high school diploma” to better reflect the section’s content.

The Department proposes amendments at N.J.A.C. 6A:20-1.3(a), which requires a person to be at least 16 years of age and no longer enrolled in school to participate in programs described in this chapter. The Department proposes to replace “programs described in this chapter” with “programs that lead to a State-issued high school diploma” because this section and N.J.A.C. 6A:20-1.4 and 1.5 prescribe rules that relate to State-issued high school diplomas. The same amendment is proposed throughout the section, where necessary. Eligibility requirements for adult high schools, which lead to State-endorsed high school diplomas, will be in N.J.A.C. 6A:20-2.1 as proposed for amendment. The Department also proposes to add that a person must be a New Jersey resident. The Department further proposes to make persons who have obtained a high school diploma in New Jersey or any other state ineligible for a State-issued high school diploma. The proposed amendments are necessary because persons who are not residents of New Jersey or already have a high school diploma apply for a State-issued high school diploma even though they are ineligible.

The Department proposes an amendment at N.J.A.C. 6A:20-1.3(b), which requires requests to participate in programs described in this chapter from persons 16 or 17 years of age domiciled in a natural or foster home to be accompanied by a certificate of consent to participate signed by a parent, guardian, probation or parole officer, State rehabilitation counselor, or a judge. The Department proposes to add a link (<https://www.nj.gov/education/adulted/>) for the “Certificate of Consent,” which is the specific form that must be completed and submitted.

The Department proposes an amendment at N.J.A.C. 6A:20-1.3(c)1, which requires each institution to ensure the rights of a youth are protected through the provision of a surrogate parent who shall assume all parental rights under this chapter. The Department proposes to replace “a youth” with “persons 16 or 17 years of age” to clarify that 16- and 17-year-olds are the only minors eligible for a State-issued high school diploma under the chapter as proposed for amendment. The same amendment is proposed throughout the chapter, where necessary.

The Department proposes amendments at N.J.A.C. 6A:20-1.3(c)1ii, which requires each institution to ensure the rights of a youth are protected through the provision of a surrogate parent who shall assume all parental rights under this chapter when the youth is ward of the State of New Jersey. The Department proposes to add “as determined by the New Jersey Department of Children and Families, Division of Child Protection and Permanency,” which is the State entity that determines whether a minor is a ward of the State.

The Department proposes amendments at N.J.A.C. 6A:20-1.3(e), which requires, in part, programs to accept, as space allows, all requests to participate from New Jersey residents who are at least 16 years of age and no longer enrolled in school. The Department proposes to replace “New Jersey residents who are at least 16 years of age and no longer enrolled in school”



with “persons eligible under this section” since the entire section contains eligibility requirements for a State-issued high school diploma.

#### **N.J.A.C. 6A:20-1.4 Certification for a State-issued high school diploma**

This section establishes the process for individuals to earn a State-issued high school diploma.

The Department proposes to amend the section’s heading to replace “Certification” with “Application, evaluation, and validation” to better reflect the section’s content.

The Department proposes an amendment at N.J.A.C. 6A:20-1.4(a)1, which establishes taking the GED or other adult education assessment tests approved by the State Board of Education as one of the methods to earn a State-issued high school diploma. The Department proposes to replace the method with “[t]ake and pass an NJHSEA” to simplify the paragraph.

The Department proposes amendments at N.J.A.C. 6A:20-1.4(a)1i, which requires Statewide standard scores for passage of GED tests or other adult education assessment tests to be the minimum passing standard set by the respective test vendor and accepted by resolution of the State Board of Education. The Department proposes to replace “GED tests or other adult education assessment tests” with “an NJHSEA” since the proposed term encompasses all high school equivalency assessments approved by the State Board of Education. The Department proposes the same amendment throughout the chapter, where necessary. The Department also proposes to delete the reference to “the respective test vendor” because the State Board of Education can approve passing scores that differ from those recommended by test vendors.

The Department proposes to delete N.J.A.C. 6A:20-1.4(a)1ii, which states that all persons who took GED tests prior to April 1, 2005, shall remain subject to New Jersey’s minimum passing score requirements in effect at the time of test taking. The paragraph is no longer necessary because all persons seeking a State-issued high school diploma are subject to New Jersey’s minimum passing score requirements in effect at the time of testing.

The Department proposes to recodify existing N.J.A.C. 6A:20-1.4(a)1iii, which, in part, requires persons requesting a State-issued high school diploma based on the evaluation of college coursework, or a copy of a GED transcript and diploma verification, to do so in the form of a written request signed by the person making the request, as new N.J.A.C. 6A:20-1.4(a)1ii. The Department proposes to delete the requirement that persons seeking evaluation of college coursework provide an official transcript from each academic institution from which coursework is to be evaluated because N.J.A.C. 6A:20-1.4(a)2 contains the requirements to request a State-issued high school diploma based upon the evaluation of college coursework. The Department also proposes to amend the first sentence to add that a request for an NJHSEA transcript or diploma verification must be submitted to the Department. The Department further proposes to delete the last two sentences because the same provisions will be included earlier in the paragraph or in N.J.A.C. 6A:20-1.4(a)2 under the proposed amendments.

The Department proposes amendments at N.J.A.C. 6A:20-1.4(a)2, which allows an individual to request a State-issued high school diploma based on the evaluation of college coursework by submitting a signed, written request and an official transcript from each academic

institution from which coursework is to be evaluated. The subparagraph also states that a person who qualifies will have 30 general education credits leading to a degree at an accredited institution of higher education and that persons meeting these requirements will receive a State-issued high school diploma and a diploma verification letter. The Department proposes to require a person to submit to the Department a signed Commissioner-provided application (<https://www.nj.gov/education/students/adulted/30ccapp.pdf>) and documentation of New Jersey residency as set forth in N.J.A.C. 6A:22-3.4(a), which sets forth the types of documents that a district board of education must accept to establish a student's residency in a school district. The Department also proposes to delete the reference to the diploma verification letter because the Department provides diploma recipients with an access code that can be used online to verify a person has been awarded a State-issued high school diploma.

The Department proposes amendments at N.J.A.C. 6A:20-1.4(a)2i, which requires the 30 general education credits to include a minimum of three credits each in English language arts (ELA), mathematics, science, and social studies, plus a total of six credits in visual and performing arts, comprehensive health and physical education, world languages, technology, and 21st century life and careers. The Department proposes to add that the six credits can be "from one or more of" the subjects and that the remaining 12 credits may be taken from any other elective college courses. The proposed amendments will clarify the required elements of the 30 general education credits that are accepted for a State-issued high school diploma.

The Department proposes to delete N.J.A.C. 6A:20-1.4(b), which requires persons seeking to qualify for a State-issued high school diploma as outlined in the section to be at least 16 years of age and out of school, because this is already stated in the eligibility rules at N.J.A.C. 6A:20-1.3. The rule also allows the Commissioner to make exceptions on a case-by-case basis for persons under 16 years of age who have otherwise met all State high school graduation requirements and based on extraordinary academic or personal achievement. The Department proposes to delete this provision because State law does not specify that State-issued high school diplomas can be awarded to persons under 16 years of age and such requests in recent history have all been denied.

### **N.J.A.C. 6A:20-1.5 Fees**

This section establishes the fees for a State-issued high school diploma.

The Department proposes to add "for a State-issued high school diploma" to the section heading to clarify the types of fees indicated in the section.

The Department proposes amendments at N.J.A.C. 6A:20-1.5(a), which requires persons submitting applications for a State-issued high school diploma on the basis of examination or reexamination to pay a fee appropriate to the test(s). The subsection also requires the applicant to be provided with a document verifying payment of the appropriate fee and designating a six-month time frame during which the applicant may take the test or reexaminations. The Department proposes to amend the subsection to clarify that the test center or test vendor is required to provide the applicant with the payment certification document, which must be presented by the applicant at the time of testing or retesting.

The Department proposes amendments to N.J.A.C. 6A:20-1.5(b), which allows the Department and the Department of Corrections, the Juvenile Justice Commission, and the Department of Human Services to enter into a contractual agreement to pay for and administer the test to persons housed under the agencies' custody and supervision without charge to the candidate. The Department proposes to replace "Department of Human Services" with "Department of Children and Families" to update the name of the department that oversees New Jersey's child protection and child welfare agency.

#### **N.J.A.C. 6A:20-1.6 Monitoring**

The Department proposes to delete N.J.A.C. 6A:20-1.6, which requires the Department to monitor the programs described in the chapter and sets forth monitoring procedures. The section no longer is necessary because the Department monitors adult high schools through NJQSAC as previously explained. The NJDOL is responsible for the monitoring of adult education programs that receive Title II funding under WIOA as required by Federal regulations. The section was not deleted as part of the readoption in 2013 due to an oversight.

### **Subchapter 2. Adult High Schools**

This subchapter establishes the rules for adult high schools.

#### **N.J.A.C. 6A:20-2.1 General provisions**

This section identifies the requirements for a district board of education to open and operate an adult high school.

The Department proposes an amendment at N.J.A.C. 6A:20-2.1(b), which requires an educational plan to be developed for each student in an adult high school program and requires the plan to reflect the student's past academic record, an analysis of past experiences for which credit may be awarded, graduation requirements, and a proposed schedule of courses for the current school year leading to completion of graduation requirements. The Department proposes to add "pursuant to N.J.S.A. 6A:20-2.5" after "may be awarded" to cross-reference the rules for awarding credit.

#### **N.J.A.C. 6A:20-2.2 Eligibility for enrollment**

This section establishes the qualifications for enrollment in an adult high school.

The Department proposes an amendment at N.J.A.C. 6A:20-2.2(a)1, which requires a person to be a New Jersey resident to be eligible to enroll in an adult high school. The Department proposes to add "at least 16 years of age" after "resident" to include the age threshold for students to enroll in an adult high school.

The Department proposes to delete N.J.A.C. 6A:20-2.2(a)2, which requires a person to meet the age and out-of-school requirements at N.J.A.C. 6A:20-1.3 to be eligible to enroll in an adult high school. The Department proposes to delete the rule because the age requirement for adult high schools will be in N.J.A.C. 6A:20-2.2(a)1 as proposed for amendment and N.J.S.A. 18A:50-1 et seq. does not contain an out-of-school requirement. Furthermore, the out-of-school

requirement is being deleted because the district board of education operating an adult high school has the discretion to allow students 16 years of age or older to transfer to the adult high school rather than officially drop out of the traditional high school before enrolling in the adult high school. It is important to allow district boards of education to maintain this discretion since school district personnel are best equipped to work with students who are at risk of not graduating to determine if a credit recovery program, an adult high school, or an adult education program that leads to a State-issued high school diploma is the best placement for the student's current situation and long-term goals.

The Department proposes to recodify existing N.J.A.C. 6A:20-2.2(a)2i and (a)3 and 4 as new N.J.A.C. 6A:20-2.2(a)1i and (a)2 and 3, respectively.

The Department proposes amendments at new N.J.A.C. 6A:20-2.2(a)1i, which allows a person enrolled in secondary school with senior standing who lacks an opportunity to take at his or her secondary school a course or courses that are available in an adult high school to be exempt from the out-of-school requirements at N.J.A.C. 6A:20-1.3 if the chief school administrators of both the sending and receiving school districts approve in a written joint agreement the participation of such a person on a space-available basis in an adult high school. The paragraph also requires the written approval to explicitly state the course(s) to be taken and the time frame covered by the agreement. The paragraph also allows the receiving school district to charge, on a cost-recovery basis, tuition to the sending school district for persons enrolled under this exception. The Department proposes to add that the written approval must also include the credits offered for each course to ascertain that the total credits needed to graduate are taken by the student.

The Department proposes an amendment at new N.J.A.C. 6A:20-2.2(a)2, which requires a person to have not earned a State-endorsed high school diploma to be eligible to enroll in an adult high school. The Department proposes to add "or State-issued" after "State-endorsed" to clarify that a person who has earned a New Jersey high school diploma from either path is ineligible to enroll in an adult high school, except under the conditions in new N.J.A.C. 6A:20-2.2(a)2i.

The Department proposes an amendment at N.J.A.C. 6A:20-2.2(a)3, which requires a person to complete and sign an application for enrollment, including a statement of responsibilities. The Department proposes to replace "an application" with "a locally created application" to clarify that a district board of education operating an adult high school can develop its own application.

### **N.J.A.C. 6A:20-2.3 Adults with special needs**

This section establishes the requirements for adult education programs serving English language learners and individuals with disabilities.

The Department proposes to change the section heading to "English language learners and individuals with disabilities" to update terminology and to better reflect the section's content.

The Department proposes an amendment at N.J.A.C. 6A:20-2.3(a)1, which requires English language learners to be referred to appropriate classes in the adult high school to attain English language proficiency. The paragraph also requires the principal of the adult high school to refer the person to the nearest adult program with staff available to meet the adult's the language improvement needs if they cannot be met by the adult high school. The Department proposes to replace "the nearest adult program with staff available to meet the adult's needs" with "a New Jersey Department of Labor and Workforce Development Career Connections site (<https://careerconnections.nj.gov/>)."

The proposed amendment will specify the type of site to which principals would direct individuals to obtain the support they need.

The Department proposes amendments at N.J.A.C. 6A:20-2.3(b). For an adult with previous experience in a special education program now seeking similar services at an adult high school, the rule requires the adult high school's principal to request, with the adult's concurrence, the most recent evaluation and IEP for the adult from the high school of last attendance, provided the evaluation was made within the last three years. The Department proposes to replace "adult with previous experience in a special education program" with "individual with a previous individualized educational program (IEP)." The proposed amendments reflect the fact that someone who had previous experience in a special education program would have an IEP.

The Department proposes an amendment at N.J.A.C. 6A:20-2.3(b)2, which provides that an IEP of an adult applying to an adult high school may not serve as a guide for the adult's instructional program at the adult high school if the evaluation was made more than three years prior to the application. The Department proposes to add "[t]he individual shall be referred to the IEP team for a reevaluation in accordance with N.J.A.C. 6A:14, Special Education." The proposed amendment will align the rule with the requirements at N.J.A.C. 6A:14.

The Department proposes new N.J.A.C. 6A:20-2.3(c) to require the principal of the adult high school to request from the high school of last attendance, with the individual's concurrence, the most recent 504 plan for an individual with a previous 504 plan now seeking similar services at an adult high school, provided the evaluation was conducted within the last year. The proposed rule also will require a determination to be made by the school district if the 504 plan needs to continue, be discontinued, and/or be updated. The Department further proposes to allow the principal of an adult high school to request a doctor's note with a rationale and treatment plans to verify the continued need. The proposed rule will aid individuals who had a 504 plan in the past.

The Department proposes to recodify existing N.J.A.C. 6A:20-2.3(c) as new N.J.A.C. 6A:20-2.3(d).

The Department proposes amendments at new N.J.A.C. 6A:20-2.3(d), which requires adults without previous experience in special education programs or individuals with IEPs that are older than three years to be counseled regarding educational options that would lead to high school graduation. The paragraph also requires that the adults be served to the maximum extent appropriate within the capability of the program to provide such services. The Department proposes to replace the rule with "[a]n individual with a disability who does not qualify for special education and related services, pursuant to (b) above and N.J.A.C. 6A:14, and who does

not have a previous 504 plan shall be counseled regarding educational options that would lead to a high school diploma.” The rule, as proposed for amendment, will ensure that an individual with a disability who may no longer qualify for services under N.J.A.C. 6A:14 (that is, individuals who are beyond the age of 21) and do not have a previous 504 plan receive appropriate guidance as to the paths that lead to a high school diploma. The proposed amendments also take into account that an individual who no longer qualifies for special education services due to his or her age, or who has a disability but did not previously have a 504 plan, could receive accommodations in an adult high school under a 504 plan.

#### **N.J.A.C. 6A:20-2.4 Graduation**

This section establishes the requirements for graduation from an adult high school.

The Department proposes amendments at N.J.A.C. 6A:20-2.4(a), which requires a district board of education operating an adult high school to adopt policies for adult high school graduation requirements pursuant to law and rule. The rule also requires policies to include passing the Statewide assessment. The Department proposes to add “for graduation pursuant to N.J.A.C. 6A:8-5.1” to specify the required test and where the requirement can be found in the New Jersey Administrative Code. The same amendment is proposed at N.J.A.C. 6A:20-2.4(a)1 and 2 and 2.5(a)11.

The Department proposes amendments at N.J.A.C. 6A:20-2.4(a)1, which requires adults who are unable to pass the Statewide assessment to receive further evaluation through the Alternative High School Assessment pursuant to N.J.A.C. 6A:8, Standards and Assessments. The Department proposes to replace “Alternative High School Assessment” with “portfolio appeal process” to update the name of the non-standardized comprehensive assessment that can be used by 12th grade students to demonstrate graduation proficiencies.

The Department proposes amendments at N.J.A.C. 6A:20-2.4(a)2, which requires limited English proficient adults who are unable to pass the Statewide assessment test to be further evaluated through the Alternative High School Assessment pursuant to N.J.A.C. 6A:8 and to demonstrate English language fluency on a State-approved English proficiency assessment as a requirement for graduation. The Department proposes to replace “Alternative High School Assessment pursuant to N.J.A.C. 6A:8” with “portfolio appeals process in their native language, when available, pursuant to N.J.A.C. 6A:8-5.1(h).” The proposed amendments will update the name of the non-standardized comprehensive assessment and will align the rule with N.J.A.C. 6A:8-5.1(h).

#### **N.J.A.C. 6A:20-2.5 Award of credit**

This section establishes procedures for a district board of education operating an adult high school to accept credit from accredited or State-approved high schools or institutions and/or award credit based on military training, work experience, apprenticeship training, possession of a current State-occupational license, and passing a comprehensive exam.

The Department proposes amendments at N.J.A.C. 6A:20-2.5(a)6ii, which requires credits awarded for the completion of apprenticeship training to be verified by a signed document from the registered apprentice sponsor. The Department proposes to add “which

includes related technical instruction (RTI) and on-the-job-training (OJT)” after “training” to provide examples of the types of training that qualify as apprenticeship training.

The Department proposes amendments at N.J.A.C. 6A:20-2.5(a)7ii, which requires the Department to periodically announce the occupational titles eligible for the award of credit. Instead, the Department proposes to state that the NJDOL periodically announces the eligible occupational titles since that responsibility is no longer under the Department.

The Department proposes amendments at N.J.A.C. 6A:20-2.5(a)11, which allows credit to be awarded for remedial coursework in communications and computation only to person who have demonstrated reading or computational proficiency below the ninth grade level on a commercially available, nationally normed, standardized test for adults or to persons unable to pass the Statewide assessment. The Department proposes to replace “communications and computation” with “English language arts and mathematics” and to replace “reading or computational” with “reading, writing, or mathematical” to update terminology for the skills assessed.

The Department proposes amendments at N.J.A.C. 6A:20-2.5(a)11i, which states that the award of credit may not exceed 20 credits in communications and 20 credits in computation. The Department proposes to replace “communications” with “English language arts” and “computation” with “mathematics,” respectively, to update terminology.

#### **N.J.A.C. 6A:20-2.6 Awarding credit for foreign studies**

This section requires credit for the equivalent of American secondary school studies experienced in a foreign country to be reviewed by a recognized foreign credential evaluation expert or service following an evaluation of transcript(s) presented by the adult. The section also states that the review’s cost shall be borne by the adult student.

The Department proposes amendments to the section to require the secondary school studies experienced in a foreign country to be reviewed first by the school district operating the adult high school. The proposed amendments would require the secondary school studies to be reviewed by a recognized foreign credential evaluation expert or service only if the school district cannot review the secondary school studies experienced in a foreign country. The proposed amendments will allow the school district to utilize existing resources prior to having foreign studies be reviewed by an outside service.

#### **N.J.A.C. 6A:20-2.7 Maintaining student records**

This section states that each adult high school has the responsibility to compile, maintain, and retain student records, including daily attendance records, and to regulate access to and security of the records.

#### **N.J.A.C. 6A:20-2.8 Staffing**

This section requires an adult high school to have an adequate number of professional staff, properly certified for their respective assignments. The section also allows persons

involved in adult advisement to be certified as either a principal, supervisor, counselor, or teacher. The section further requires district boards of education to assign to professional staff members only position titles recognized in N.J.A.C. 6A:9B, State Board of Examiners and Certification.

#### **N.J.A.C. 6A:20-2.9 Special conditions**

This section states that the rules set forth elsewhere in Title 6A of the New Jersey Administrative Code governing the operation of a high school within a school district shall govern the operation of an adult high school, unless otherwise explicitly stated in this subchapter.

#### **N.J.A.C. 6A:20-2.10 Monitoring**

The section requires staff of the Department's Adult Education unit to monitor programs cited in this subchapter pursuant to the monitoring process outlined in N.J.A.C. 6A:20-1.6. The section also sets forth the indicators of program quality with associated measures of performance that are to be used by the monitoring teams in carrying out the monitoring process in adult high schools.

The Department proposes to delete the section because the monitoring of adult education programs in adult high schools is no longer the responsibility of the Adult Education Unit within the Department. Monitoring is conducted through NJQSAC as previously explained. The section was not deleted as part of the readoption in 2013 due to an oversight.

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

#### **Social Impact**

Under the current adult education system, adults have been able to obtain either a State-issued high school diploma by preparing for, taking, and passing one of the NJHSEAs, or a State-endorsed high school diploma by graduating from an adult high school. This dual delivery system has enabled a number of adults to enhance their lives by gaining employment, furthering their current careers, or pursuing post-secondary education.

The proposed amendments will have little social impact as they are technical in nature and designed to streamline existing processes and to update language to ensure programs comply with New Jersey's recognized standards and policies. Adult students will receive the greatest benefit from the proposed amendments, as they will ensure school districts are instructing them based on the most current accepted standards.

#### **Economic Impact**

The Department does not anticipate that the rules proposed for readoption with amendments will have any economic impact on school districts, as the need to educate adults to receive either a State-issued or State-endorsed diploma has not created any additional costs since the initial implementation of programs. The costs of implementation for instructional and



preparatory programs that lead to a State-issued high school diploma are offset by funds provided by the NJDOL through Title II funding under WIOA. The Department provides State education aid to district boards of education based on the total number of students enrolled in the school district, including adult high school students. Operating an adult high school is optional for district boards of education.

In addition, the Department does not anticipate the proposed amendments will create additional costs for school districts, school leaders, or individual educators. The proposed amendments do not change the responsibilities of district boards of education, school leaders, and individual educators in ensuring adults receive either a State-issued or State-endorsed diploma. Rather, the proposed amendments will align program requirements to the most currently recognized standards of practice.

### **Federal Standards Statement**

The rules proposed for readoption with amendments are in compliance with Federal requirements under the Every Student Succeeds Act (PL 114-95) and will continue to advance the mission to enhance the education of adults to ensure that adults receive either a State-issued or State-endorsed high school diploma. There are no other Federal requirements that impact the rules proposed for readoption with amendments.

### **Jobs Impact**

The Department does not anticipate that rules proposed for readoption with amendments will result in the generation or loss of jobs.

### **Agriculture Industry Impact**

The rules proposed for readoption with amendments will have no impact on the agriculture industry in New Jersey.

### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not required because the rules proposed for readoption with amendments do not impose reporting, recordkeeping, or other compliance requirements on small businesses, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules proposed for readoption with amendments solely impact adult students, adult education programs, and adult high schools.

### **Housing Affordability Impact Analysis**

There is an extreme unlikelihood that the rules proposed for readoption with amendments will have any impact on the affordability of housing in New Jersey and there is an extreme unlikelihood the rules proposed for readoption with amendments would evoke a change in the average costs associated with housing because the proposed readoption with amendments solely impact adult education programs and adult high schools.

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

The proposed re-adoption with amendments will have an insignificant to no impact on smart growth and there is an extreme unlikelihood the rules proposed for re-adoption with amendments would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules proposed for re-adoption with amendments concern adult education programs and adult high schools.

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

There is an extreme unlikelihood that the rules proposed for re-adoption with amendments would have an impact on pre-trial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State because the rules proposed for re-adoption with amendments concern adult education programs and adult high schools.

**Full text** of the rules proposed for re-adoption and the proposed amendments follows (addition indicated in boldface **thus**; deletions indicated in brackets [thus]):

## N.J.A.C. 6A:20, Adult Education Programs

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## Chapter 20, Adult Education Programs

### Subchapter 1. General Provisions

#### 6A:20-1.1 Purpose and function

- (a) The **Adult Education Unit within the** Office of [Certification/Induction within the Division of Teacher and Leader Effectiveness] **Career Readiness in the New Jersey Department of Education** is responsible for:
1. Providing educational leadership for the programs cited in this chapter;
  - [2. Evaluating the programs cited in this chapter;]
  - [3.] **2.** Supervising [adult education assessment] **NJHSEA testing centers;**
  - [4.] **3.** Evaluating college transcripts of persons applying for a State-issued high school diploma, **pursuant to N.J.A.C. 6A:20-1.4(a)2;** [and]
  - [5.] **4.** Awarding State-issued high school diplomas to applicants meeting the requirements for diploma issuance[.]; **and**
  - 5. Reviewing data on adults without high school diplomas to help ensure programming is meeting their needs.**

#### 6A:20-1.2 Definitions

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

“Accredited” means a **traditional** high school, a **private career school, or a traditional or online** college or university has met the criteria and standards set by [the] **an** appropriate accrediting agency such as the Middle States Association.

["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.]

"Adult high school" means a district board of education school that conducts supervised educational activities in the day or evening to provide persons [18] **16** years of age or older with the necessary instruction to enable them to complete the requirements for a locally issued, State-endorsed diploma. **Each adult high school has a separate County District School (CDS) System code from the school district.**

["Adult's primary language" means the language most relied upon by an adult for communication or the language most spoken by an adult at home or work.]

**"County District School (CDS) System" means an information system located on the New Jersey Department of Education's website that collects and tracks data about educational entities in New Jersey that receive State or Federal funds.**

"DD-214" means a United States Department of Defense form issued to all members of the military that describes their service record.

["Disabled adult" means an adult who has a physiological, mental , or psychological disorder or condition that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.]

**"Disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.**

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

“Emancipated minor” means a person 16 or 17 years of age [domiciled] **who resides** in an independent housing arrangement and **is** not responsible to **a** natural or [foster] **resource family** parent(s) or [a] guardian(s).

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

**“English language learner” or “ELL” means a student whose native language is other than English. The term refers to students with varying degrees of English language proficiency in any one of the domains of speaking, reading, writing, or listening and is synonymous with limited English speaking ability as used in N.J.S.A. 18A:35-15 to 26.**

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

“Full-time employment” means work that is at least 30 hours per week.

[“Limited English proficient adult” means an adult who has not demonstrated English language proficiency as measured by a language proficiency test.]

[“Locally-issued State-endorsed diploma” means a high school awarded to a person 18 years of age or older by a district board of education that conducts an adult high school endorsed by the State Board of Education.]

**“New Jersey High School Equivalency Assessment” or “NJHSEA” means any of the assessments approved by the State Board of Education for achieving a New Jersey State-issued high school diploma.**

“Occupational license” means [a certificate verifying a person has met qualifications prescribed by an issuing State agency for occupations designated by the New Jersey Department of Labor and Workforce Development] **the license required to ensure that only qualified individuals work in occupations that affect the health and safety of the public in the State. Individuals seeking such a license must meet specific qualifications mandated by State law or regulation.**

“Official transcript” means [an individual’s] **a person’s record of high school, adult high school, or college courses, grades, and credits awarded, or a record of [General Educational Development (GED)] an NJHSEA or other [adult assessment test scores] assessments approved by the State Board of Education.**

“Part-time employment” means work that is more than 15 hours but less than 30 hours per week.

“Proficiency” means an explicitly stated and demonstrable knowledge and/or skill used to define a desired learning outcome.

“Proprietary school” means a privately owned school, **such as a private career and technical school.**

“Remedial college courses” means courses taken at an accredited college or university that are not applied toward graduation and for which no college academic credit is awarded.

“Senior standing” means one year or less of credit hours remaining in order to meet high school graduation requirements.

“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 high school diploma provided by the New Jersey Department of Education to persons 16 years of age or older and no longer enrolled in school to document the attainment of academic skills and knowledge equivalent to a high school education.

“Statement of responsibilities” means an agreement signed by both the student and a representative of an adult high school establishing the requirements of [each] **the student and the representative** to engage in a successful academic program.

“Traditional course” means a course that has specified lengths of time for **a specific number of** class meetings and the completion of activities necessary to achieve the accepted level of proficiencies for the award of credit.

6A:20-1.3 [Age and out-of-school] **Eligibility requirements to earn a State-issued high school diploma**

- (a) To participate in programs [described in this chapter] **that lead to a State-issued high school diploma**, a person [must] **shall be a New Jersey resident** at least 16 years of age



and no longer enrolled in school **and shall have not yet obtained a high school diploma in New Jersey or any other state.**

- (b) Requests to **participate in programs that lead to a State-issued high school diploma** from persons 16 or 17 years of age [domiciled in] **residing with** a natural or [foster home to participate in programs described in this chapter] **resource family parent or guardian** shall be accompanied by a [certificate] **Certificate** of [consent to participate] **Consent** (available at <https://www.nj.gov/education/adulted/>) signed by a **natural or resource family** parent, guardian, probation or parole officer, State rehabilitation counselor, or a judge.
- (c) Requests to **participate in programs that lead to a State-issued high school diploma** from persons 16 or 17 years of age [who are domiciled] **residing** in a State, county, or municipal institution, or in a residential program, [to participate in programs described in this chapter] shall be accompanied by a [certificate] **Certificate** of [consent to participate] **Consent** signed by either a **natural or resource family** parent or guardian, or a surrogate parent when neither is available.
  - 1. Each institution shall ensure the rights of [a youth] **persons 16 or 17 years of age** are protected through the provision of a surrogate parent who shall assume all parental rights under this chapter, when either:
    - i. The parent(s) cannot be located after reasonable efforts; or
    - ii. The [youth] **person 16 or 17 years of age** is a ward of the State of New Jersey **as determined by the New Jersey Department of Children and Families, Division of Child Protection and Permanency.**

2. Each institution shall establish a method for selecting and training surrogate parents.
  3. The person serving as a surrogate parent shall have:
    - i. No interest that conflicts with the interests of the [youth] **person 16 or 17 years of age** he or she represents; and
    - ii. Knowledge and skills to ensure adequate representation of the [youth] **person 16 or 17 years of age**.
  4. A surrogate parent may be paid solely to act in that capacity. Persons serving as surrogate parents may not otherwise be employees of the institution.
- (d) Requests [from emancipated minors] to participate in programs [described in this chapter] **that lead to a State-issued high school diploma from emancipated minors** shall be accompanied by a [certificate] **Certificate** of [consent to participate] **Consent** signed by a judge appointed in the State of New Jersey.
- (e) Programs [described in this chapter] **that lead to a State-issued high school diploma** shall accept, as space allows, all requests to participate from [New Jersey residents who are at least 16 years of age and no longer enrolled in school] **persons eligible under this section**. Participation in programs shall not be limited in any way, except with respect to the availability of facilities and teaching personnel. Participants shall not be denied access to a program because of their place of residency, as long as they are a New Jersey resident.

6A:20-1.4 [Certification] **Application, evaluation, and validation** for a State-issued high school diploma

- (a) The following methods may be used to apply for a State-issued high school diploma:

1. [Taking tests of General Educational Development (GED) of the American Council on Education or other adult education assessment tests approved by the State Board of Education as a basis for qualifying for a State-issued high school diploma.] **Take and pass an NJHSEA.**
  - i. Statewide standard scores for passage of [GED tests or other adult education assessment tests] **an NJHSEA** shall be [the minimum passing standard] set by [the respective test vendor and accepted by] **a** resolution of the State Board of Education.
  - [ii. All persons who took GED tests prior to April 1, 2005, shall remain subject to New Jersey's minimum passing score requirements in effect at the time of test taking.]
  - [iii.] **ii.** [Persons requesting a State-issued high school diploma based on the evaluation of college coursework, or] **To request** a copy of [a GED] **an NJHSEA** transcript and diploma verification[,], **a person** shall [do so in the form of] **submit to the Department of Education (Department) a signed,** written request. [signed by the person making the request. Persons seeking evaluation of college coursework shall provide an official transcript from each academic institution from which coursework is to be evaluated. A request for a copy of a GED transcript shall be submitted to the Department by letter and signed by the person making the request.]
2. [Requesting for] **To request a State-issued high school diploma based on** the evaluation of college coursework, **a person** shall [be done in the form of a written request signed by the person making the request, and by submitting] **submit to**

**the Department a signed Commissioner-provided application (available at <https://www.nj.gov/education/students/adulted/30ccapp.pdf>). Persons seeking evaluation of college coursework shall provide to the Department an official transcript from each academic institution from which coursework is to be evaluated, as well as documentation of New Jersey residency as set forth in N.J.A.C. 6A:22-3.4(a).** A person who qualifies will have 30 general education credits leading to a degree at an accredited institution of higher education. Persons meeting these requirements will receive a State-issued high school diploma [and diploma verification letter].

i. Included in the 30 general education credits must be a minimum of three credits each in: English language arts; mathematics; science; and social studies[,]; and [six] **a total of six credits [in] from one or more of the following subjects:** visual and performing arts; comprehensive health and physical education; world languages; technology; and 21<sup>st</sup> century life and careers. **The remaining 12 credits may be taken from any other elective college courses.**

ii. Remedial college courses shall not count toward the requirement.

iii. The minimum average grade for the 30 credits shall be a C or 2.0.

[(b) Persons seeking to qualify for a State-issued high school diploma as outlined in this section shall be at least 16 years of age and out of school. Exceptions to the age requirement may be made by the Commissioner for persons under 16 years of age who have otherwise met all State high school graduation requirements. Such a determination

shall be made on a case-by-case basis considering extraordinary academic or personal achievement.]

**6A:20-1.5 Fees for a State-issued high school diploma**

- (a) Persons submitting applications for a State-issued high school diploma by examination or reexamination shall pay a fee appropriate to the [test(s), which have been adopted by resolution of the State Board of Education.] **NJHSEA(s)**. Upon application to take or retake [a high school equivalency test] **an NJHSEA**, [an applicant] **the test center or test vendor** shall [be presented] **provide the applicant** with a document verifying payment of the appropriate fee and designating a six-month time frame during which the applicant may take the [equivalency] test or [reexaminations] **a retest(s)**. [Applicants] **The applicant** shall present the payment certification document at the time of testing.
- (b) By contractual agreement with the Department **of Education**, the New Jersey Department of Corrections, the Juvenile Justice Commission, and the Department of [Human Services] **Children and Families** may agree to pay for and administer the test to persons housed under [these] **the** agencies' custody and supervision without charge to the candidate.

**[6A:20-1.6 Monitoring**

- (a) The Commissioner shall monitor all programs described in this chapter pursuant to N.J.S.A. 18A:48-1 and 18A:49-1 through 18A: 50-14 and the Adult Education and Family Literacy Act of 1998, 20 U.S.C. §§ 9201 et seq., to ensure each program is performing according to the standards and procedures prescribed by law and rule.
- (b) The monitoring procedure shall be as follows:

1. The Assistant Commissioner for Teacher and Leader Effectiveness shall establish a monitoring schedule annually.
  2. Each chief school and agency administrator and program director responsible for adult programs described in this chapter shall be notified in advance by the Assistant Commissioner of the date established for the monitoring visit.
  3. Prior to the monitoring visit, each chief school and agency administrator and program director responsible for the adult programs described in this chapter shall receive a copy of the monitoring instrument prescribed by the Commissioner containing the specific indicators as noted in N.J.A.C. 6A:20-2.6 and 3.3 needed to demonstrate satisfactory program performance.
- (c) Based upon the monitoring findings, the Assistant Commissioner shall determine whether to recommend the continuation or suspension of the program to the Commissioner.
- (d) All programs cited in this chapter shall be monitored by June 1, 2014 and once every five years thereafter.
- (e) Staff of the Adult Education section of the Division of Teacher and Leader Effectiveness shall conduct monitoring and shall record findings using worksheets prescribed by the Assistant Commissioner and review the findings with the chief school or agency administrator and director responsible for the adult program.
- (f) The Assistant Commissioner shall send a formal notification of findings to the chief school or agency administrator responsible for the program, within 20 work days of the completion of the monitoring visit. The notification shall contain:
1. Copies of completed worksheets; and

2. A recommendation that the program be continued or suspended by the Commissioner.
- (g) A chief school or agency administrator notified that the Assistant Commissioner will recommend to the Commissioner that an adult program to be suspended shall be granted 60 calendar days from receipt of the notification to document to the Commissioner that the unacceptable findings have been corrected.
- (h) Any adult program that does not correct deficiencies within the 60-calendar-day period shall be suspended by the Commissioner, in accordance with the procedure established under N.J.A.C. 6A:3-3.1.]

## Subchapter 2. Adult High Schools

### 6A:20-2.1 General provisions

- (a) A [school] district board of education may open and operate adult high schools, which shall offer [adults] **students** opportunity, accessibility, and flexibility while maintaining high standards inherent in the awarding of a high school diploma pursuant to N.J.S.A. [18A:49-1 et seq.,] 18A:50-1 et seq.[, and 18A:50A-1 et seq]. Courses shall be sufficiently varied [for meeting] **to meet** the educational needs of [adults] **students** and shall be designed to challenge [participants] **students** to achieve their highest level of educational ability.
- (b) [For each student in an] **An** adult high school program[, ] **shall develop for each student** an educational plan [shall be developed] reflecting the student's past academic record, an analysis of past experiences for which credit may be awarded **pursuant to N.J.S.A**

**6A:20-2.5**, graduation requirements, and a proposed schedule of courses for the current school year leading to completion of graduation requirements.

6A:20-2.2 Eligibility for enrollment

(a) To qualify for enrollment in an adult high school, a person shall:

1. Be a New Jersey resident **at least 16 years of age**;

[2. Meet the age and out-of-school requirement at N.J.A.C. 6A:20-1.3;]

i. A [person] **student** enrolled in secondary school with senior standing who lacks an opportunity to take at his or her secondary school courses that are available in an adult high school shall be [exempt from the out-of-school requirement provisions of N.J.A.C. 6A:20-1.3] **eligible to take courses at the adult high school** provided the chief school administrators of both the sending and receiving school districts approve in a written joint agreement the participation of [such a person] **the student** on a space-available basis in [an] **the** adult high school. The written approval shall explicitly state the course(s) to be taken, **the credits offered for each subject**, and the time frame covered by the agreement. Tuition established by the receiving school district on a cost-recovery basis may be charged to the sending school district for [persons] **students** enrolled under this exception, **if applicable**;

[3.] **2.** Have not earned a [locally issued,] State-endorsed **or a State-issued** high school diploma;

i. Persons holding [locally issued] **State-endorsed** high school diplomas may enroll in an adult high school on a space-available basis for the



express purpose of supplementing their high school record. Tuition established by the host school district on a cost-recovery basis may be charged to persons enrolling under this exception; and

[4.] **3.** Complete and sign [an] **a locally created** application for enrollment, including a statement of responsibilities.

6A:20-2.3 [Adults] **English language learners and individuals** with [special needs] **disabilities**

(a) [Limited] English [proficient adults] **language learners** shall be required to demonstrate language [fluency] **proficiency** on a State-approved English proficiency assessment at a score level determined by the State Board of Education.

1. [Limited] English [proficient adults] **language learners** shall be referred to appropriate classes in the adult high school to attain English language proficiency. If the language improvement needs of the [adult] **individual** cannot be met by the adult high school, then the principal shall refer the person to [the nearest adult program with staff available to meet the adult's needs] **a New Jersey Department of Labor and Workforce Development Career Connections site** [\(https://careerconnections.nj.gov/\)](https://careerconnections.nj.gov/).

(b) For an [adult] **individual** with a previous [experience in a special education] **individualized education** program [now] (**IEP**) seeking similar services at an adult high school, the principal of the adult high school shall request, with the [concurrence] **written consent** of the [adult] **individual**, the most recent evaluation and [individualized educational plan (IEP)] **IEP** for the [adult] **individual** from the high school of last attendance, provided the evaluation was made within the last three years.

1. The principal shall review the IEP to determine the services required by the plan and [also] the availability of such services at the adult high school.
    - i. If the IEP can be carried out, it shall serve as the instructional guide for the [adult] **individual**.
    - ii. If the principal determines the IEP cannot be carried out, the principal shall promptly refer the [adult] **individual** to the nearest adult high school with staff available to offer the special services required in the IEP or to **the** appropriate county or State agencies or institutions with resources and personnel able to serve the [special] **individual's** needs [of the adult].
  2. If the evaluation was made more than three years prior to application to the adult high school, the IEP may not serve as a guide for the [adult's] **individual's** instructional program at the adult high school. **The individual shall be referred to the IEP team for a reevaluation in accordance with N.J.A.C. 6A:14, Special Education.**
- (c) **For an individual who previously had a 504 plan, the principal of the adult high school shall request, with the written consent of the individual, the most recent 504 plan for the individual from the high school of last attendance, provided the evaluation was made within the last year. A determination shall be made by the school district if the 504 plan needs to continue, be discontinued, and/or updated. The principal of an adult high school may request a doctor's note with a rationale and treatment plan to verify the continued need.**
- [(c)] (d) [Disabled adults without previous experience in a special education program or individuals with IEPs that have been issued more than three years prior to their

application to the adult high school,] **An individual with a disability who does not qualify for special education and related services, pursuant to (b) above and N.J.A.C. 6A:14, and who does not have a previous 504 plan** shall be counseled regarding educational options that would lead to a high school [graduation, and shall be served to the maximum extent appropriate to the needs of the disabled adult within the capability of the program to provide such services] **diploma.**

#### 6A:20-2.4 Graduation

- (a) A district board of education operating an adult high school shall adopt policies for adult high school graduation requirements pursuant to [law and rule] **N.J.A.C. 6A:8-5.1.** Policies shall include passing the Statewide assessment [test] **for graduation pursuant to N.J.A.C. 6A:8-5.1.**
1. [When adults] **Students who are enrolled in an adult high school and** are unable to pass the Statewide assessment [test, there] **for graduation, pursuant to N.J.A.C. 6A:8-5.1,** shall [be] **receive** further evaluation through the [Alternative High School Assessment] **portfolio appeal process,** pursuant to N.J.A.C. [6A:8, Standards and Assessments] **6A:8-5.1.**
  2. [When limited] English [proficient adults] **language learners who are enrolled in an adult high school and** are unable to pass the Statewide assessment [test, they] **for graduation, pursuant to N.J.A.C. 6A:8-5.1,** shall [be further evaluated] **receive further evaluation** through the [Alternative High School Assessment] **portfolio appeals process in their native language, when available,** pursuant to N.J.A.C. 6A:8-5.1(h), and shall demonstrate English

language fluency on a [State-approved] **Department-approved** English proficiency assessment [as a requirement for graduation].

- (b) A district board of education operating an adult high school shall **ensure that students** meet the requirements for high school graduation pursuant to N.J.A.C. 6A:8-5.
- (c) The staff of each adult high school shall distribute to each entering [adult] **student** a copy of all State and local adult high school graduation requirements. At the beginning of each course, all [adults] **students** shall receive a list of proficiencies required for successful completion of the course.
- (d) Successful completion of the requirements set forth in (a) and (b) above, and [those] **the requirements** established by the district board of education, shall be required as conditions for awarding a locally issued, State-endorsed diploma.
- (e) No district board of education shall issue [an adult] **a State-endorsed** high school diploma without State approval of the adult high school program.
- (f) No district board of education shall issue [an adult] **a State-endorsed** high school diploma without signed verifications for all credit awarded for experience and an official transcript(s) being on file.

#### 6A:20-2.5 Award of credit

- (a) A district board of education operating an adult high school shall annually adopt, at a public meeting, policies that provide for the awarding of credit, subject to the following:
  - 1. Credits verified by an official transcript may be transferred from accredited or State-approved high schools or institutions. Experiences being considered for transferred credit from proprietary schools or public vocational training programs

shall be assessed in terms of proficiencies for school district courses offering similar experiences.

- i. An official transcript shall have either of the following indicators: a raised seal or the original signature of a school administrator.
2. Courses taken at an accredited college that lead to a degree and are not remedial courses shall be verified by an official transcript. One and two-thirds credits may be awarded for each college credit.
3. Credits may be awarded for physical education and basic military training with the following limitations:
  - i. Up to 15 credits may be awarded for previously earned high school physical education credits verified by an official transcript;
  - ii. Up to 10 credits verified by a DD-214 form may be awarded for basic military training; and
  - iii. The combination of (a)3i and ii above shall not exceed 15 credits.
4. A maximum of two and one-half credits in health and safety may be awarded for the possession of a valid New Jersey driver's license if credit for driver's education has not been awarded.
5. Credit may be awarded for work experience with the following limitations:
  - i. Two and one-half credits may be awarded for each 12 months of full-time employment verified by a signed statement from an employer(s);
  - ii. Two and one-half credits may be awarded for each 24 months of part-time employment verified by a signed statement from an employer(s); and

- iii. The combination of (a)5i and ii above shall not exceed 10 credits and may not duplicate credits awarded for apprentice training, an occupational license, or on-the-job training.
6. Credits may be awarded for completion of apprentice training with the following limitations:
- i. The apprentice training must be approved by the New Jersey Department of Labor and Workforce Development;
  - ii. Completion of training, **which includes related technical instruction (RTI) and on-the-job training (OJT)**, shall be verified by a signed document from the registered apprentice sponsor;
  - iii. The award shall not exceed 20 credits and shall not duplicate credits awarded for work experiences, an occupational license, on-the-job training, or transferred credit from an official transcript; and
  - iv. The New Jersey Department of Labor and Workforce Development [shall announce] periodically **announces** the apprenticeship titles eligible for the award of credit and [shall determine] the amount of credit to be awarded.
7. Credit may be awarded for possession of a current occupational license issued by a State agency, with the following limitations:
- i. A maximum of five credits may be awarded for a current occupational license;
  - ii. The **New Jersey Department** [shall announce] **of Labor and Workforce Development** periodically **announces** the occupational titles eligible for the award of credit;

- iii. Credit may be awarded for only one occupational license; and
  - iv. Credit awarded for an occupational license shall not duplicate credit awarded for work experience, on-the-job training, apprenticeship, or transferred credit from an official transcript.
8. Credits may be awarded for on-the-job training and advanced military training with the following limitations:
- i. Five credits may be awarded for each 120 hours of on-the-job training that is formally supervised, follows a prescribed training outline, and is verified by a signed statement from the employer;
  - ii. One credit for each week of advanced military training that is verified by the Military Occupational Specialty designation on the DD-214 form [may be awarded but] not to exceed 10 credits; and
  - iii. The combination of (a)8i and ii above shall not exceed 20 credits and may not duplicate credits for work experience, apprentice training, or an occupational license.
9. The cumulative award of credit for (a)5, 6, 7, and 8 above shall not exceed 30 credits.
10. Credit may be awarded for passing a comprehensive examination with the following limitations:
- i. The award shall not exceed five credits;
  - ii. The comprehensive examination shall be part of an approved course and may be used only to award credit for a single course; and

- iii. The comprehensive examination may not be a standardized test, such as [the General Educational Development (GED) or other State approved assessment tests] **an NJHSEA.**
11. Credit may be awarded for remedial coursework in [communications] **English language arts** and [computation] **mathematics** only to persons who have demonstrated reading, **writing**, or [computational] **mathematical** proficiency below the [9.0] **ninth** grade level on a commercially available, nationally normed, standardized test for adults or to persons unable to pass the Statewide assessment [test] **for graduation pursuant to N.J.A.C. 6A:8-5.1.**
- i. The award of credit may not exceed 20 credits in [communications] **English language arts** and 20 credits in [computation] **mathematics.**
12. Credit may be awarded for coursework in English as a second language (ESL).
- i. The award of credit in ESL may not exceed 20 credits.
  - ii. ESL courses shall be offered only as traditional courses.

6A:20-2.6 Awarding credit for foreign studies

Credit for the equivalent of American secondary school studies experienced in a foreign country shall be reviewed by **the school district operating the adult high school. If the school district cannot review the secondary studies experienced in a foreign country, the secondary studies shall be reviewed by** a recognized foreign credential evaluation expert or service [following an evaluation of transcript(s) presented by the adult]. The cost of [such review] **the foreign credential evaluation expert or service** shall be borne by the [adult] student.

6A:20- 2.7 Maintaining student records



Each adult high school shall have the responsibility to compile, maintain, and retain student records, including daily attendance records, and to regulate access to and security of such records.

#### 6A:20-2.8 Staffing

- (a) The adult high school shall have an adequate number of professional staff, properly certified for their respective assignments; however, persons involved in adult advisement shall be certified as either a principal, supervisor, counselor, or teacher.
- (b) District boards of education shall assign to professional staff members only position titles recognized in N.J.A.C. 6A:9B, State Board of Examiners and Certification.

#### 6A:20-2.9 Special conditions

The rules set forth elsewhere in N.J.A.C. 6A governing the operation of a high school within a school district shall govern the operation of an adult high school, unless otherwise explicitly stated in this subchapter.

#### [6A:20-2.10 Monitoring

- (a) Staff of the Department's Adult Education unit shall monitor programs cited in this subchapter pursuant to the monitoring process outlined in N.J.A.C. 6A:20-1.6.
- (b) The following indicators of program quality with associated measures of performance shall be used by the monitoring teams in carrying out the monitoring process in adult high schools:

1. Learners demonstrate progress toward attainment of secondary school level competencies that support their educational needs and goals. Measures of performance shall include:
  - i. Standardized test score gains;
  - ii. HSPA score data;
  - iii. Teacher reports of gains and improvements in computation and/or communications and/or life skills competencies; and
  - iv. Student goals and the identification of student skill needs, student comments and feedback, and examples of student work.
  
2. Learners progress according to their abilities in the instructional program or complete program educational requirements that allow them to continue their education or training or achieve their personal educational goals. Measures of performance shall include:
  - i. Student advancement to higher levels of skill or competency in the academic and training community;
  - ii. Attainment of a district adult high school diploma; and
  - iii. Attainment of a stated personal goal.
  
3. Based on a participatory planning process, the program develops, implements, evaluates, and revises, as needed, written program goals. Measures of performance shall include:
  - i. The existence of a planning document that specifies program goals and objectives and is regularly reviewed and revised at least once each year;

- ii. The openness of the program to community input on planning through mechanisms such as an advisory board, staff meetings and comments, student questionnaires, and public hearings;
  - iii. As funding permits, the program plan responds to and addresses community needs and priorities regarding location of classes, skills taught, and types of program services offered;
  - iv. The existence of program evaluation component and evidence that evaluation feeds into the planning process; and
  - v. Activities are implemented based on reviewed and revised program goals and objectives.
4. The program utilizes curriculum and instructional techniques sensitive to individual student and group learning styles and the varying levels of student need. Measures of performance shall include:
- i. Student assessment information is used to guide the goals and design of the instructional process; and
  - ii. The existence of written curriculum guides outlining instructional content, including materials, approaches, and strategies to address the educational needs and goals of individual students.
5. The program has a staff development process that considers the specific needs of its staff, offers opportunities for training in the skills necessary to provide quality instruction and utilization of skills learned. Measures of performance shall include:

- i. The presence of preservice and inservice staff development opportunities that include a program overview, philosophy and goals of the program, and ongoing topics appropriate to adult learning;
  - ii. The existence of a process for identifying staff development needs;
  - iii. Effective staff performance as measured by administrative observations of staff; and
  - iv. The hours of preservice and inservice staff development training received by staff.
6. The program identifies support service needs and the agencies that address these needs, provides information to students as needed, and promotes student access to these agencies through informal linkages with service providers as a means of enhancing student participation in the program. Measures of performance shall include:
  - i. The presence of a process for identifying student support service needs; and
  - ii. The presence of a listing of support service providers, or informal agreements or linkages between the program and support service providers.
7. The program recruits the population within the service delivery area identified as lacking a high school diploma. Measures of performance shall include:
  - i. The types of recruitment activities the program performs, if the program is undersubscribed;

- ii. The percentage of target populations enrolled compared with State demographics as compiled and reported by the Department; and
  - iii. The percentage of target populations enrolled compared with State averages as compiled and reported by the Department.
8. Students are encouraged to remain in the program long enough to meet their educational goal(s). The program has a plan that addresses retention and implements the plan as needed. Measures of performance shall include:
- i. The existence of a written statement on the expected levels of student participation and the measures of activities to be implemented if attrition is above the stated acceptable levels;
  - ii. The hours of participation in the program by type of program; and
  - iii. The number of students who continue or return to the program in the following program year.]