



100 South Jefferson Road ■ Suite 200 ■ Whippany, New Jersey 07981

Tel: 973.301.0001 ■ Fax: 973.993.3152 ■ www.sseclaw.com

*Please Reply to Whippany Office*

March 27, 2015

**VIA FEDERAL EXPRESS**

New Jersey Council on Local Mandates  
135 West Hanover Street  
Trenton, NJ 08625

Nathanya G. Simon

NSimon@sseclaw.com

**RE: In re Complaint Filed By Rockaway Township  
Board of Education – New Jersey Department  
of Education Gifted And Talented Program  
Regulation**

Dear Council Members:

This office represents the Complainant, the Rockaway Township Board of Education (“Board”), in education matters. Enclosed please find a Complaint, and accompanying/supporting documentation attached thereto, challenging the New Jersey Department of Education’s (“NJDOE”) gifted and talented program requirement, promulgated at N.J.A.C. 6A:8-3.1, as an unfunded mandate. The purpose of this letter brief is to offer additional information in support of the Board’s Complaint.

The Council on Local Mandates (“Council”) is empowered to resolve any dispute regarding whether a statute, rule, or regulation constitutes an unfunded mandate. N.J.S.A. 52:13H-12. An “unfunded mandate” is a statute, rule, or regulation that “does not authorize resources to offset the additional direct

*Monmouth County Office:*

121 Monmouth Street  
Suite C  
Red Bank, New Jersey  
07701  
973.301.0001

*New York Office:*

415 Madison Avenue  
16th Floor  
New York, New York  
10017  
212.752.5258

expenditures required for the implementation of the law or the rule or regulation, shall cease to be mandatory in its effect and shall expire.” N.J.S.A. 52:13H-2.

This Council has previously deemed various State education laws and regulations to be unfunded mandates. See, e.g., In re Complaint Filed by Allamuchy Twp. Bd. of Educ., Council on Local Mandates, (May 1, 2012), <http://www.state.nj.us/localmandates/decisions/Allamuchy.html> (determining that various provisions of P.L. 2010, c.122, the “Anti-Bullying Bill of Rights,” constitute unfunded mandates); In re Complaint Filed By Highland Park Bd. of Educ., Council on Local Mandates, (May 11, 2000), <http://nj.gov/localmandates/decisions/hpbe.html> (determining that an amendment to N.J.A.C. 6A:11-12 changing the funding formula utilized to determine the amount of money paid by school boards to a charter schools constituted an unfunded mandate).

In the instant Complaint, the Board is challenging the NJDOE’s regulation requiring local school districts to established a gifted and talented program, N.J.A.C. 6A:8-3.1, as that regulation constitutes an unfunded mandate. Specifically, the regulation states that “district boards of education shall be responsible for identifying gifted and talented students and shall provide them with appropriate instructional adaptations and services.” N.J.A.C. 6A:8-3.1(a). “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.” N.J.A.C. 6A:8-1.3.

New Jersey School districts must identify gifted and talented students and provide them with appropriate instructional adaptations and services. N.J.A.C. 6A:8-3.1(a)(5). The identification process must be ongoing between kindergarten

and 12th grade and be based on multiple measures. N.J.A.C. 6A:8-3.1(a)(5)(i); N.J. Department of Education (“DOE”) FAQ, Gifted and Talented Programs. [http://www.state.nj.us/education/genfo/faq/faq\\_gandt.htm](http://www.state.nj.us/education/genfo/faq/faq_gandt.htm). The NJ DOE has generally advised that “multiple measures” include achievement test scores, grades, intelligence testing, parent/student/teacher recommendation, and that any such methodology be developmentally appropriate, nondiscriminatory, and related to the program and services offered. NJ DOE FAQ, #3.

School districts are also required to provide appropriate educational services for gifted and talented students from kindergarten through 12<sup>th</sup> grade, including curricular modifications to content and process, specific products or a separate learning environment for eligible students. Id. at 9., N.J.A.C. 6A:8-3.1(a)(5)(ii). Separate learning environments may include pull-out programs, classroom-based differentiated instruction, acceleration, flexible pacing advanced classes or individualized programs. Id. at 10.

Despite these requirements, the State does not provide dedicated funding for districts to identify gifted and talented students, including the performance of additional achievement and/or intelligence testing, or for any methodology utilized. Nor is funding provided to design and deliver the requisite appropriate services to eligible gifted and talented students. Instead, school boards are forced to implement gifted and talented programs utilizing monies obtained through the local property tax or other local revenues, or leftover state aid.

The aforementioned gifted and talented program requirements impose a substantial financial burden on the Board, and all school districts in the State, without any specific funding provided to offset those local expenditures. For example, based upon documentation provided in the Complaint, the Board estimates annual expenditures of approximately \$89,361.19 to implement its gifted and talented program for the 2014-2015 school year, and moving forward.

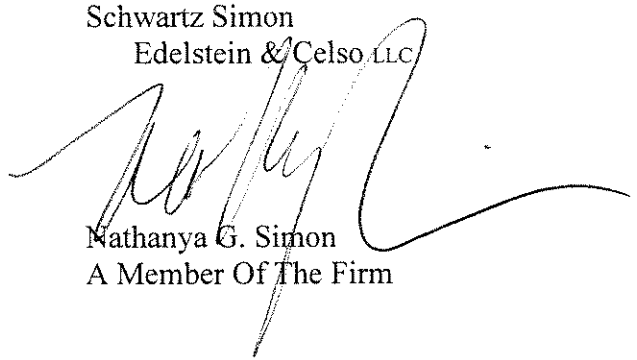
This includes identification/assessment expenses, salary and benefits for an appropriately certificated teacher to provide gifted and talented instruction, professional development expenses, and additional costs related to materials and programs to be provided to gifted and talented students.

As set forth more fully above, there is no dedicated funding provided to offset these costs, and the Board is in turn forced to enact local measures in order to comply with the regulation. The lack of State funding to pay for or reimburse local school boards for the significant direct expenditures required to implement a gifted and talented program under N.J.A.C. 6A:8-3.1 results in that rule constituting an unfunded mandate under N.J.S.A. 52:13H-2 and N.J. Const. Art. VIII Sec. 2, Par. 5. Therefore, we respectfully request that the Council find N.J.A.C. 6A:8-3.1 to be an unfunded mandate, for which financial relief is issued.

Thank you for your consideration in this matter.

Respectfully Submitted,

Schwartz Simon  
Edelstein & Celso, LLC



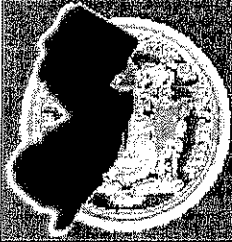
Nathanya G. Simon  
A Member Of The Firm

NGS:kjt

Enclosures

cc: Dr. Deborah Grefe, Superintendent of Schools  
Members of the Rockaway Township Board of Education  
Donnamarie Palmiere, School Business Administrator





# State of New Jersey Council on Local Mandates Complaint

The form is to be completed and signed by the Claimant's attorney or other authorized representative, identified under Part I (B).

## I (A) Information regarding the Claimant (include title if a County Executive or Mayor)

Name of Claimant (and title if applicable):

Rockaway Township Board of Education

## Claimant contact information:

Mailing Address:

P.O. Box 500, 16 School Road

City:

Hibernia

State: New Jersey

Zip Code:

07842

Phone:

(973) 627-8200

Fax:

(973) 627-2821

E-mail address:

DPalmiere@rocktwp.org

## I (B) Name of person preparing this document, and title or relationship to Claimant (e.g., legal counsel, business administrator, superintendent)

Name:

Nathanya G. Simon

Title/Relationship:

Board Counsel

## Contact information for person identified in Part I (B)

Mailing Address:

100 South Jefferson Road

City:

Whippany

State: New Jersey

Zip Code:

07981

Phone:

(973) 301-0001

Fax:

(973) 993-3152

E-mail Address:

nsimon@sseclaw.com

## II The Complaint

1. Claimant alleges that the following statute, rule, or regulation is an unfunded mandate in violation of the New Jersey Constitution, article VIII, § 2, ¶ 5 and N.J.S.A. 52:13H-2, because it does not authorize resources, other than the property tax, to offset the additional direct expenditures required for its implementation:

N.J.A.C. 6A:8-3.1

2. The above-cited statute, rule, or regulation became effective on:

July 5, 2005

3. The following is the basis for the claim made herein that the statute, rule, or regulation identified in paragraph II (1) is an unfunded mandate:

N.J.A.C. 6A:8-3.1 requires district boards of education "to ensure that appropriate instructional adaptations are designed and delivered . . . for students who are gifted and talented." N.J.A.C. 6A:8-3.1(a). "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." N.J.A.C. 6A:8-1.3. School boards must identify gifted and talented students and provide them with appropriate instructional adaptations and services. N.J.A.C. 6A:8-3.1(a)(5). The identification process must be ongoing between kindergarten and 12th grade and be based on multiple measures. N.J.A.C. 6A:8-3.1(a)(5)(i). Appropriate educational services for gifted and talented students must also be provided between kindergarten and 12th grade. N.J.A.C. 6A:8-3.1(a)(5)(ii). This regulatory mandate requires the Board to implement a specialized program for the education of certain students without authorizing any resources to offset the additional direct expenditures to implement the program.

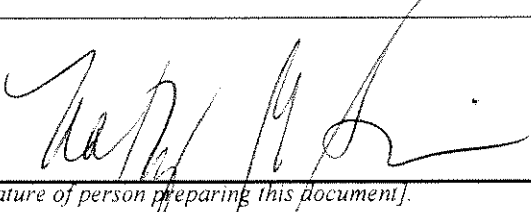
Note: The text provided in paragraph II (3) is to be used for the Pleading Summary published on the Council's web site. If more space is needed, please attach additional sheet(s).

4. State Claimant's estimate of the additional direct expenditures required to implement the statute, rule or regulation identified in paragraph II (1), together with:
- a description of the frequency of the estimated expenses (i.e. annual, monthly), and
  - a specification of the basis for the estimate.

The Board estimates annual expenditures of approximately \$89,361.19 to implement the gifted and talented program. It will pay approximately \$84,080.30 annually to employ a gifted and talented program teacher. The cost to employ the gifted and talented program teacher will include \$60,935.00 in salary and \$22,794.00 in benefits. It will also expend an estimated \$351.30 annually for the gifted and talented program teacher's travel expenses (based on the \$36.30 the Board paid in travel expenses for the gifted and talented program teacher's travel in September 2014).

The Board will also expend approximately \$5,280.89 annually in testing material, professional membership and conference fees, and other material utilized in implementing the gifted and talented program. The Board expended \$258.70 on online testing material for gifted and talented students, \$109.95 on school rating scale forms for identifying gifted students, \$683.25 on creative thinking kits, \$199.00 on the gifted and talented program teacher's membership in the New Jersey Association for Gifted Children ("NJAGC") and attendance at a NJAGC conference, \$350.00 on the gifted and talented program teacher's consortium membership fee, \$298.00 for the gifted and talented program teacher and another teacher's registration for the Gifted Education Conference, and \$3,381.99 on a 3d printing educational package.

Note: If more space is needed, please attach additional sheet(s).

<p>5. Does Claimant seek injunctive relief? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/></p> <p>If yes, on attached sheet(s), provide a description of the nature and extent of imminent irreparable injury that will result to Claimant in the absence of injunctive relief.</p>	
<p>6. Claimant attaches:</p> <p><input checked="" type="checkbox"/> Resolution (of county/municipal governing body or of board of education), which is incorporated herein by reference, or</p> <p><input type="checkbox"/> Copy of notice of intention to file a complaint provided to governing body.</p>	
<p><b>WHEREFORE, Claimant demands judgment by the Council that the statute, rule, or regulation identified in paragraph H (1) above is an unfunded mandate pursuant to the New Jersey Constitution, Art. VIII, § 2, ¶ 5 and N.J.S.A. 52:13 H-2, and that it shall cease to be mandatory in effect and expire.</b></p>	
 <i>[Signature of person preparing this document].</i>	<p>Nathanya G. Simon</p> <hr/> <p>Name (typed or printed) of person signing</p> <hr/> <p>Board Counsel</p> <hr/> <p>Title (typed or printed) of person signing</p>
<p>Date: <u>3/27/15</u></p>	
<p>Total number of attached pages: <u>~109</u></p>	

Print Form





3. Attached hereto as **Exhibit B** is a true and accurate copy of a summary of the Board's expenditures related to the implementation of a gifted and talented program as required by the NJDOE's rule.

4. Attached hereto as **Exhibit C** is a true and accurate copy of the Payroll Check Registers for Mandy Thomas, the appropriately certified teacher providing gifted and talented instruction and supporting documentation regarding her salary and the cost to provide her with benefits.

5. Attached hereto as **Exhibit D** is a true and accurate copy of the Board Voucher reimbursing Ms. Thomas for travel expenses related to her work in the gifted and talented program in September 2014.

6. Attached hereto as **Exhibit E** is a true and accurate copy of the Board Voucher for OLSAT 8 Online Testing Material utilized as part of the Board's gifted and talented program.

7. Attached hereto as **Exhibit F** is a true and accurate copy of the Board Voucher for "SIGS" (Scale for Identifying Gifted Students) forms utilized as part of the Board's gifted and talented program.

8. Attached hereto as **Exhibit G** is a true and accurate copy of the Board Voucher for the Figural TTCT: Thinking Creatively with Pictures Starter Set and Verbal TTCT: Thinking Creatively with Words Starter Set utilized as part of the Board's gifted and talented program.

9. Attached hereto as **Exhibit H** is a true and accurate copy of the Board Voucher for Ms. Thomas' membership in the New Jersey Association for Gifted Children ("NJAGC") and attendance at the 2015 Annual NJAGC Conference.

10. Attached hereto as **Exhibit I** is a true and accurate copy of the Board Voucher for Ms. Thomas' membership in the New Jersey Consortium for Gifted and Talented Program for the 2014-2015 school year.

11. Attached hereto as **Exhibit J** is a true and accurate copy of the Board Voucher for Ms. Thomas and another staff member's registration for the Gifted Education Conference at Rutgers University on November 20, 2014.

12. Attached hereto as **Exhibit K** is a true and accurate copy of the Board Voucher for the Leapfrog 3d Printing Educational Package utilized as part of the Board's gifted and talented program.

13. Attached hereto as **Exhibit L** is a true and accurate copy of Board Policy 2464, *Gifted and Talented Pupils*.

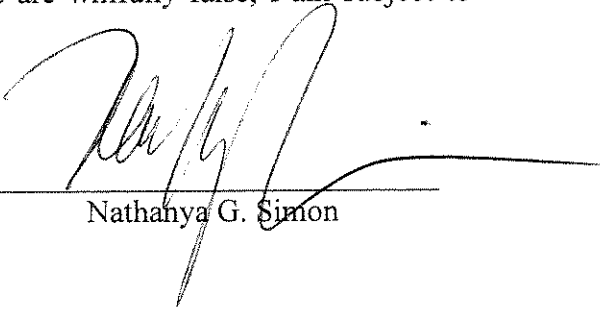
14. Attached hereto as **Exhibit M** is a true and accurate copy of N.J.A.C. 6A:8-3.1.

15. Attached hereto as **Exhibit N** is a true and accurate copy of N.J.A.C. 6A:8-1.3.

16. Attached hereto as **Exhibit O** is a true and accurate copy of 37 N.J.R. 2487(a), part of the regulatory history of N.J.A.C. 6A:8, *Standards and Assessment*.

17. Attached hereto as **Exhibit P** is a true and accurate copy of 37 N.J.R. 2487(a), part of the regulatory history of N.J.A.C. 6A:8, *Standards and Assessment*.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Nathanya G. Simon

Dated: March 27, 2015

# EXHIBIT A



# EXHIBIT B

GIFTED & TALENTED

2014-2015

Mandy Thomas

Salary \$ 60,935.00  
Benefits \$ 22,794.00

Supplies:	PO#	Vendor	Amount	Description
	151756	N.J.A.G.C.	\$ 199.00	NJ Assoc. for Gifted Children, membership & conference for Mandy Thomas
	151278	CK 136732	\$ 350.00	NJ Consortium Membership fee for M. Thomas
	151878	Pearson Assessments	\$ 258.70	OLSAT8 Online Testing Materials for G&T
	151671	Prufrock Press	\$ 109.95	(SIGS) Scale for Identifying Gifted Students, school rating scale forms
	151342	CK 137002	\$ 298.00	Rutgers K-12 Math Workshop Registration for Gifted Education Conference for J. Storts & M. Thomas 2@149
	151341	Scholastic Testing Service	\$ 686.00	- Figural thinking creatively set 5@562.10 - Verbal " " set 5@62.10
	151441	CK 157038	\$ 36.30	Shipping 65.00 Mandy Thomas - mileage for Sept. 2014
	151670	USCUTTER, Inc	\$ 315.00	Estimated additional mileage for 14-15 year
			\$ 3,381.99	LEAPFROG 3D (printer) Educational Package w/Creatr Dual Extruder... \$2,799.99 1 yr extended warranty... \$399.00 Shipping... \$183.00

\$ 5,634.94

Total Cost Gifted & Talented

\$ 89,363.94

# EXHIBIT C



# Payroll Check Register for THOMAS, MANDY

for the 2015 year

Chk #	Chk Date	Run	Employee Name/Number	Loc/Dept	Pay Line	Gross Wages	- Taxes	- Deductions	+ Refunds	+ Net Pay Adj	= Net Wages	Direct Dep
-------	----------	-----	----------------------	----------	----------	-------------	---------	--------------	-----------	---------------	-------------	------------

Totals for 1 Checks							Gross Wages	- Taxes	- Deductions	+ Refunds	+ Net Pay Adj	= Net Wages	Direct Dep
							3,046.75	700.49	917.40	0.00	0.00	1,428.86	1,428.86

Summary :

# of Employees	1
# of TPAF Employees	1
# of PERS Employees	0
# of DCRP Employees	0
# of Other Employees	0
# of Female Employees	1
# of Male Employees	0
# of Married Employees	1
# of Single Employees	0

I hereby certify that the employees included in the above payroll, have performed their duties in accordance with the terms and conditions of their employment by the Board of Education.

Board President

BA/Board Secretary

Superintendent

Treasurer

XXXXXXXXXXXXXXXXXXXX

# Payroll Check Register for THOMAS, MANDY

for the 2015 year

vp\_dpcr.082610  
01/15/2015

Chk	Chk Date	Run	Employee Name/Number	Loc/Dept	Pay Line	Gross Wages	- Taxes	- Deductions	+ Refunds	+ Net Pay Adj	= Net Wages	Direct Dep
256921	01/15/2015	1	THOMAS, MANDY/ 5728	25/25	1	3,046.75	700.49	917.40	0.00	0.00	1,428.86	1,428.86
	Ck.Desc/Amt		EARN/3,046.75	XFED/100.00		FICA/171.23	MEDI/40.04	SUI/12.95	STE/105.23	F.L.I./2.74		
	Ck.Desc/Amt		PENS/210.84	EQU/25.00		FLXD/32.12	FVSP/12.90	NJEA/79.65	FHBCC/240.02	SUMSAV/304.68		

$$\begin{array}{r} 240.01 \\ 52.12 \\ \hline 272.13 \\ \times 20 = 5442.80 \end{array}$$
*Benefit contribution*

$$\begin{array}{r} 28237.08 \text{ cost of benefit} \\ (5442.80) \text{ Employee contribution} \\ \hline 22794.28 \text{ net employee cost} \end{array}$$

ROCKAWAY TOWNSHIP BOARD OF EDUCATION

Insurance Rates 2014-2015

	PER MONTH		ANNUAL	
	SINGLE	FAMILY	SINGLE	FAMILY
Horizon POS	\$ 701.58	\$ 1,696.35	\$ 8,418.96	\$ 20,356.20
Benecard	\$ 249.48	\$ 603.21	\$ 2,993.76	\$ 7,238.52
Dental	\$ 35.44	\$ 107.06	\$ 425.28	\$ 1,284.72
Employee Share Dental	\$ (17.72)	\$ (53.53)	\$ (212.64)	\$ (642.36)
	<u>\$ 968.78</u>	<u>\$ 2,353.09</u>	<u>\$ 11,625.36</u>	<u>\$ 28,237.08</u>
Traditional	\$ 1,129.80	\$ 2,698.66	\$ 13,557.60	\$ 32,383.92
Dental	\$ 35.44	\$ 107.06	\$ 425.28	\$ 1,284.72
Employee Share Dental	\$ (17.72)	\$ (53.53)	\$ (212.64)	\$ (642.36)
	<u>\$ 1,147.52</u>	<u>\$ 2,752.19</u>	<u>\$ 13,770.24</u>	<u>\$ 33,026.28</u>

# EXHIBIT D

DOR NO. 5476

BILL TO

# ROCKAWAY TOWNSHIP BOARD OF EDUCATION

P.O. BOX 500 - HIBERNIA, N.J. 07842  
TEL (973) 627-8200 FAX (973) 627-8552

BUDGET YEAR

2014->2015

BOARDS OF EDUCATION ARE EXEMPT FROM SALES TAX BY STATE STATUTE CHAPTER 30 - P.6625

### PURCHASE ORDER NUMBER

151441

THIS NUMBER MUST APPEAR ON ALL PACKAGES, INVOICES AND CORRESPONDENCE.

## VOUCHER

PLEASE SIGN & RETURN

09/30/2014

VENDOR:

THOMAS; MANDY  
9 PINE STREET  
BUDD LAKE, NJ 07828

PREPAY TRANSPORTATION CHARGES & SHIP TO:

Attn To : Kathy Murphy  
CURRICULUM & INSTRUCTION  
ROCKAWAY TWP BD OF ED  
P. O. BOX 500, 16 SCHOOL ROAD  
HIBERNIA, NJ 07842

NOV 19 2014  
137038

QUANTITY ORDERED	CATALOG / UNIT	ITEM DESCRIPTION / ACCOUNT NUMBER	UNIT PRICE	TOTAL AMOUNT
17.10	MILES	Mileage for Sept.	0.31	36.30
		7907/11-000-223-500-44-010- (\$36.30)		\$36.30

FOR PAYMENT SIGN AND RETURN

*[Signature]*  
EXTENSION CHECKED BY \_\_\_\_\_ FINANCE COMMITTEE \_\_\_\_\_  
BOARD SECRETARY \_\_\_\_\_

### VENDOR'S CERTIFICATION & DECLARATION

I do solemnly declare and certify under the penalties of the law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person; persons within the knowledge of this claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one.

UNDER \$150.00

SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_  
IS YOUR COMPANY INCORPORATED? Yes  No   
FEDERAL TAX I.D. NO. or SOCIAL SECURITY NO. \_\_\_\_\_ DATE \_\_\_\_\_

### APPROVAL FOR PAYMENT

**NO ORDER VALID UNLESS SIGNED BY THE BOARD SECRETARY**  
*[Signature]*  
BOARD SECRETARY

ROCKAWAY TOWNSHIP PUBLIC SCHOOLS

DISTRICT MILEAGE RECORD

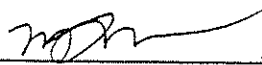
Date: 9/14/15

Month: Sept

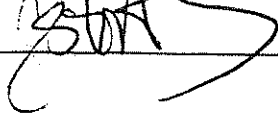
Name: Mandy Thomas

Title: GT

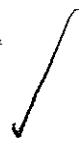
Travel Date	From	To	Purpose	Trip Mileage*
9/8	DBO	CAD	GT curriculum, testing, meetings	1.2
	CAD	CO		7.1
9/9	SB	DBO		3.3
	DBO	CO	" "	6.0
	CO	KDM	" "	1.7
	KDM	CO		1.7
9/11	DBO	SB	" "	3.3
	SB	CAD		1.0
	CAD	BW		2.4
	BW	CO		7.2
	CO	SB	" "	4.9
	SB	CAD		2.3
	CAD	BW		2.4
	BW	DBO		1.2
9/12	CO	BW	" "	7.2
	BW	CO		7.2

Signature: 

Total Mileage: 60.1

Supervisor's Signature: 

\* See reverse for mileage chart



MILEAGE RECORD

Date 9/30/14

Month Sept

Name Mandy Thomas

Title GT

TRAVEL DATE	FROM	TO	PURPOSE	TRIP * MILEAGE
9/15	cms	DBO	Website / GT	3.5
9/16	DBO	CAD	GT Curriculum,	1.2
	CAD	DBO	testing +	1.2
	DBO	BW	meetings	1.2
9/17	CAD	SW		2.3
	SW	DBO		1.2
	DBO	BW		2.4
9/18	DBO	CAD		1.2
	CAD	DBO		1.2
	DBO	CAD		1.2
	CAD	BW		2.4
9/19	BW	CAD		2.4
	CAD	CO		7.2
9/22	DBO	Morris County Library	GT Consorsium meeting	15.3
9/23	DBO	CO	Curriculum	6.0
9/29	CAD	CO	curriculum	7.1

Signature [Signature]  
 Supervisor's Signature [Signature]

TOTAL MILEAGE 57

\*(See reverse for Mileage Chart)

# EXHIBIT E





**INVOICE**

INVOICE NUMBER: 10072868	
TAX I.D. NO.: 41-0850527	
DATE: 09-JAN-15	Page 1 of 1
CUSTOMER NO.: 1301096	CREDIT REF. NO.:

**BILL TO:**

**LOCATED AT:**

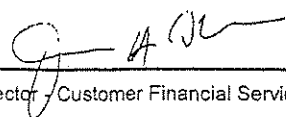
ATTN: ACCOUNTS PAYABLE  
 ROCKAWAY TOWNSHIP SD  
 16 SCHOOL RD  
 HIBERNIA, NJ 07842

ROCKAWAY TOWNSHIP SD  
 16 SCHOOL RD  
 HIBERNIA, NJ 07842

Reference Number: -4641760

PURCHASE INFORMATION		SHIPPING INFORMATION		PAYMENT INFORMATION		
CHASE ORDER: 151878		(MOST RECENT SHIPMENT)		TERMS: NET 30		
		SHIP DATE: 09-JAN-15		DUE DATE: 08-FEB-15		
		CARRIER: BWAY		CONTACT: 800-843-0019 (Toll Free) 201-767-5029 (FAX)		
		B/L NUMBER: 0				
DESCRIPTION	U/M	QTY	TAX	UNIT PRICE	EXTENDED PRICE	
150011407 OLSAT8 ONLINE LEVEL E	Each	26	N	9.95	258.70	
<b>VOICE SUMMARY:</b>						
TOTAL FOR ALL LINE ITEMS					258.70	
7.00% STATE TAX					0.00	
0.00% COUNTY TAX					0.00	
0.00% CITY TAX					0.00	
<b>SUBTOTAL</b>				<b>TAX</b>	<b>TOTAL</b>	
258.70				0.00	(USD) 258.70	

we certify that the foregoing amount is just and  
 that the amount claimed is legally due, after  
 giving all just credits, and that no part of the same has been paid.

  
 Director Customer Financial Services

**ORIGINAL**

**Remit by Check to:**  
 NCS PEARSON, INC.  
 13036 COLLECTION CENTER DRIVE  
 CHICAGO, IL 60693  
**Remit by Wire or ACH to:**  
 Bank of America - Account Name: NCS Pearson Inc.  
 ACH: # 071-000-039 WIRE: #0260-0959-3  
 Account No: 81881-05388 SWIFT: BOFAUS3N  
 (Include invoice number in transmission)

# EXHIBIT F

DOR NO. 2601

BILL TO

ROCKAWAY TOWNSHIP BOARD OF EDUCATION

P.O. BOX 500 - HIBERNIA, N.J. 07842  
TEL (973) 627-8200 FAX (973) 627-8552

BUDGET YEAR

2014->2015

BOARDS OF EDUCATION ARE EXEMPT FROM SALES TAX BY STATE STATUTE CHAPTER 30 - P.6625

PURCHASE ORDER NUMBER

151671

THIS NUMBER MUST APPEAR ON ALL PACKAGES, INVOICES AND CORRESPONDENCE

VOUCHER  
PLEASE SIGN & RETURN

E: 10/31/2014

VENDOR:

PREPAY TRANSPORTATION CHARGES & SHIP TO:

PRUFROCK PRESS  
P.O. BOX 8813  
WACO, TX 76714-8813

PAID

Attn To : MILLIE TALBOT  
CURRICULUM & INSTRUCTION  
ROCKAWAY TWP BD OF ED  
P. O. BOX 500, 16 SCHOOL ROAD  
HIBERNIA, NJ 07842

DEC 10 2014

137166

QUANTITY ORDERED	CATALOG UNIT	ITEM DESCRIPTION / ACCOUNT NUMBER	UNIT PRICE	TOTAL AMOUNT
2	each	SIGS (Scale for Identifying Gifted Students) School Rating Scale Forms	50.00	100.00
1	S&H	SHIPPING	9.95	9.95
1	each	*** FAXING ORDER - DO NOT DUPLICATE ***	0.00	0.00
7387/11-190-100-610-44-099- (\$109.95)				\$109.95
#40903				

FOR PAYMENT SIGN AND RETURN

VENDOR'S CERTIFICATION & DECLARATION

APPROVAL FOR PAYMENT

I do solemnly declare and certify under the penalties of the law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one.

EXTENSION CHECKED BY: [Signature] FINANCE COMMITTEE [Signature]  
BOARD SECRETARY: [Signature]

UNDER \$150.00

NO ORDER VALID UNLESS SIGNED BY THE BOARD SECRETARY

SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_

[Signature] Board Secretary

IS YOUR COMPANY INCORPORATED? Yes  No   
TAX I.D. NO. or SOCIAL SECURITY NO. \_\_\_\_\_ DATE \_\_\_\_\_



# Prufrock Press Inc

PO Box 8813  
 Waco, TX 76714-8813 USA  
 Phone: (800) 998-2208  
 Fax: (800) 240-0333  
 Federal Tax ID: 74-2833395

Page	Customer ID	Invoice ID
1	1849	346611
Ref Date	Order Date	Ship Date
12/1/14	11/25/14	11/26/14

Ship To ID: 246852

## VOICE

*Sold To:* Rockaway Twp BOE  
 Accounts Payable  
 PO Box 500  
 Hibernia, NJ 07842

*Ship To:* Millie Talbot  
 Rockaway Twp BOE  
 16 School Rd  
 Hibernia, NJ 07866

Customer PO #	Payment By	Rep	Shipped Via	Terms	Ordered By
571			PS Ground Commerci	Net 30 Days	

iCode	Title	List Price	Ordered	Shipped	BO	Disc	Net Price	Extension
1593634278	SIGS - School Rating Scale Forms (25)	50.00	2	2			50.00	100.00

Total Units Shipped: 2

Product Total	Sales Tax	Shipping	Invoice Total	Pre-Paid	Paid With Order	Balance Due
\$100.00	\$0.00	\$9.95	\$109.95	\$0.00	\$0.00	\$109.95

# EXHIBIT G

DOR NO. 4094

BILL TO

# ROCKAWAY TOWNSHIP BOARD OF EDUCATION

P.O. BOX 500 - HIBERNIA, N.J. 07842

TEL (973) 627-8200 FAX (973) 627-8552

BOARDS OF EDUCATION ARE EXEMPT FROM SALES  
TAX BY STATE STATUTE CHAPTER 30 - P.6625

BUDGET YEAR

2014->2015

PURCHASE ORDER NUMBER	
151341	
THIS NUMBER MUST APPEAR ON ALL PACKAGES, INVOICES AND CORRESPONDENCE.	

## VOUCHER PLEASE SIGN & RETURN

08/31/2014

VENDOR:

PREPAY TRANSPORTATION CHARGES & SHIP TO:

SCHOLASTIC TESTING SERVICE, INC.  
480 MEYER ROAD  
BENSENVILLE, IL 60106-1617

Attn To : Kathy Murphy  
CURRICULUM & INSTRUCTION  
ROCKAWAY TWP BD OF ED  
P. O. BOX 500, 16 SCHOOL ROAD  
HIBERNIA, NJ 07842

**PAID**  
OCT 20 2014  
136777

QUANTITY ORDERED	CATALOG / UNIT	ITEM DESCRIPTION / ACCOUNT NUMBER	UNIT PRICE	TOTAL AMOUNT
5	each	Figural TTCT: Thinking Creatvely with Pictures Starter Set (Form A, English)	62.10	310.50
5	each	Verbal TTCT: Thinking creatively with Words Starter Set (Form A)	62.10	310.50
1	each	Shipping FAXING ORDER See attached <i>EXAMINER KIT</i> 7389/11-190-100-610-44-300- (\$686.00)	65.00	<del>65.00</del> 1725 4500 <del>\$686.00</del> #683.25
<i># 22975214</i>				

FOR PAYMENT SIGN AND RETURN

### VENDOR'S CERTIFICATION & DECLARATION

I do solemnly declare and certify under the penalties of the law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one.

**AS ATTACHED**

### APPROVAL FOR PAYMENT

EXTENSION CHECKED BY \_\_\_\_\_ FINANCE COMMITTEE *MC*

BOARD SECRETARY \_\_\_\_\_

### NO ORDER VALID UNLESS SIGNED BY THE BOARD SECRETARY

SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_

IS YOUR COMPANY INCORPORATED? Yes  No

FEDERAL TAX I.D. NO. or SOCIAL SECURITY NO. \_\_\_\_\_ DATE \_\_\_\_\_

*Romario Palmiere*

BOARD SECRETARY



# SCHOLASTIC TESTING SERVICE, INC.

480 Meyer Road  
Bensenville, IL 60108  
630-766-7150  
FAX: 630-766-8054

4320 Green Ash Drive  
Earth City, Missouri 63045  
314-739-3650  
FAX: 314-739-3857

## INVOICE

Invoice #: 229752K

Inv Date: 9/24/2014

BILL TO: 006826S01-A

SHIP TO: 006826S01-B

ACCOUNTS PAYABLE  
ROCKAWAY TOWNSHIP BOE  
PO BOX 500  
HIBERNIA NJ. 07842-0500

KATHY MURPHY  
CURRICULUM & INSTRUCTION  
ROCKAWAY TOWNSHIP BOE  
16 SCHOOL RD  
HIBERNIA, NJ. 07842

phone: 973-627-8200

phone: 973-627-8200

Account #:  Order #: 77746K

P.O. Number: 151341

Email:

Quantity	LCatno	Materials/Service	Description-Detail	Grade	UnitCost	cTotal
5	TT171S02	STARTER SET-20-S	TTCT, FIGURAL A		\$62.10	\$310.50
5	TT141S02	STARTER SET-20-S	TTCT, VERBAL A		\$62.10	\$310.50
1	TT100008	EXAMINER KIT	TTCT, VERBAL FORMS A & B		\$45.00	\$45.00
	Z		Voucher Enclosed			

Ship to: Scholastic Testing Service, Inc.  
4320 Green Ash Dr  
Earth City, Mo. 63045  
Terms: Net 30 Days. (Amount due in U.S. Dollars)

Sales Total:		\$666.00
Taxable Sales:	\$666.00	Tax: \$0.00
Postage/Handling:		\$17.25
<b>INVOICE AMOUNT:</b>		<b>\$683.25</b>
Payments/Credits:		\$0.00
9/26/2014 Balance Due:		\$683.25



# EXHIBIT H

DOR NO. 2002

BILL TO

# ROCKAWAY TOWNSHIP BOARD OF EDUCATION

P.O. BOX 500 - HIBERNIA, N.J. 07842  
TEL (973) 627-8200 FAX (973) 627-8552

BUDGET YEAR

2014->2015

BOARDS OF EDUCATION ARE EXEMPT FROM SALES TAX BY STATE STATUTE CHAPTER 30 - P.6625

### PURCHASE ORDER NUMBER

151756

THIS NUMBER MUST APPEAR ON ALL PACKAGES, INVOICES AND CORRESPONDENCE

## VOUCHER PLEASE SIGN & RETURN

E: 11/30/2014

VENDOR:

N.J.A.G.C.  
P.O. BOX 667  
MT. LAUREL, NJ 08054-0667

PREPAY TRANSPORTATION CHARGES & SHIP TO:

Attn To : MILLIE TALBOT  
CURRICULUM & INSTRUCTION  
ROCKAWAY TWP BD OF ED  
P. O. BOX 500, 16 SCHOOL ROAD  
HIBERNIA, NJ 07842

JAN 21 2015  
137402

QUANTITY ORDERED	CATALOG / UNIT	ITEM DESCRIPTION / ACCOUNT NUMBER	UNIT PRICE	TOTAL AMOUNT
1	each	New Jersey Association for Gifted Children Membership for Mandy Thomas	40.00	40.00
1	each	24th Annual NJAGC Conference * March 6, 2015 The Hotel Somerset-Bridgewater 110 Davidson Ave., Somerset, NJ 08873 *** ATTENDEE: Mandy Thomas *** 8012/11-000-221-580-44-012- (\$159.00) 7102/11-000-221-800-44-000- (\$40.00) Membership# 377B	159.00	159.00
				\$199.00

FOR PAYMENT SIGN AND RETURN

### VENDOR'S CERTIFICATION & DECLARATION

I do solemnly declare and certify under the penalties of the law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one.

### APPROVAL FOR PAYMENT

EXTENSION CHECKED BY: *[Signature]* FINANCE COMMITTEE: *[Signature]*  
BOARD SECRETARY: *[Signature]*

### NO ORDER VALID UNLESS SIGNED BY THE BOARD SECRETARY

SIGNATURE: \_\_\_\_\_ TITLE: \_\_\_\_\_  
DATE: \_\_\_\_\_  
IS YOUR COMPANY INCORPORATED? Yes  No

*[Signature]*  
BOARD SECRETARY



# New Jersey Association for Gifted Children

## Invoice

24th Annual Conference - Gifted Education: Full STEAM Ahead!

TO: Rockaway Township BOE  
PO Box 500  
Hibernia, NJ 07842-  
Attn: Accounts Payable

### OFFICERS

Jan Levy  
President

Alexy  
VP Programs

Brown  
VP Programs

Cortina  
Advocacy

Kumpf  
Publications

Chen  
VP Membership

Eisermann  
VP Membership

Tobey  
Secretary

Hubbard  
Treasurer

Moffitt  
Director Chair

Mendelow  
President

Invoice Date 12/31/2014		PO Number: 151756
		PO Date: 11/30/2014
Conference Attendee	Session:	Fee
Membership No.: 3778	1 yr. Full Member Dues	\$40.00
Mandy Thomas	Friday Conference Fee	\$159.00

Total: \$199.00

Payment Terms: Please remit payment upon receipt to:

NJAGC  
P.O. Box 667  
Mt. Laurel, NJ 08054-0667  
Phone & Fax: (856) 273-7530

Thank you!

NJAGC is 501(c)(3) Charity (Non-Profit) Federal Tax ID# 22-3341115

P.O. Box 667 ♦ Mount Laurel, NJ 08054 ♦ 856-273 7530  
www.njagc.org ♦ njagc@njagc.org

# EXHIBIT I

DOR NO. 5010

BILL TO

# BOARD OF EDUCATION

P.O. BOX 500 - HIBERNIA, N.J. 07842  
TEL (973) 627-8200 FAX (973) 627-8552

BUDGET YEAR

2014->2015

BOARDS OF EDUCATION ARE EXEMPT FROM SALES  
TAX BY STATE STATUTE CHAPTER 30 - P.6625

## VOUCHER

PLEASE SIGN & RETURN

**PURCHASE ORDER NUMBER**

151278

THIS NUMBER MUST APPEAR ON  
ALL PACKAGES, INVOICES AND  
CORRESPONDENCE.

08/31/2014

VENDOR:

N.J.C.G.T.P.  
2 HICKORY WAY  
MOUNT ARLINGTON, NJ 07856

PREPAY TRANSPORTATION CHARGES & SHIP TO:

Attn To : Kathy Murphy  
CURRICULUM & INSTRUCTION  
ROCKAWAY TWP BD OF ED  
P. O. BOX 500, 16 SCHOOL ROAD  
HIBERNIA, NJ 07842

# PAID

OCT 20 2014

136732

QUANTITY	CATALOG / UNIT	ITEM DESCRIPTION / ACCOUNT NUMBER	UNIT PRICE	TOTAL AMOUNT
1	each	New Jersey consortium Membership Fee for the 2014-2015 school year for Mandy Thomas	350.00	350.00
		7102/11-000-221-800-44-000- (\$350.00)		\$350.00

### VENDOR'S CERTIFICATION & DECLARATION

I solemnly declare and certify under the penalties of the law that the within bill is correct in all its particulars; that the goods have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with the above claim; that the amount therein stated is justly and lawfully due; and that the amount charged is a reasonable one.

*Barbara Gurny* BA  
SIGNATURE TITLE

### APPROVAL FOR PAYMENT

EXTENS ON CHECKED BY: *[Signature]* FINANCE COMMITTEE: *[Signature]*

BOARD SECRETARY: *[Signature]*

**NO ORDER VALID UNLESS SIGNED BY THE BOARD SECRETARY**

23-185-156/000 9/16/14  
I.D. NO. or SOCIAL SECURITY NO. DATE

IS YOUR COMPANY INCORPORATED? Yes  No

*Therese Palmieri*  
BOARD SECRETARY



New Jersey Consortium for Gifted and Talented Programs  
2 Hickory Way Mt. Arlington, NJ 07856  
tel/fax (973) 810-3366 njgtconsort@yahoo.com

To: Board of Education  
Date: July 2014  
Re: NJCGTP Membership Fee (2014-2015)

# INVOICE

<u>Quantity</u>	<u>Item</u>	<u>Amount</u>
	New Jersey Consortium Membership Fee for the 2014 -2015 School Year	\$350.00

### Attention All Members:

Please fill out the portion below for the New Jersey Consortium **Mailing List** and **E-mail** it back to: [njgtconsort@yahoo.com](mailto:njgtconsort@yahoo.com) as soon as possible! **Please print legibly.** Thank you.

GT Teacher Name (s) Mandy Thomas email mthomas@rocktwp.org

School/District Dennis B. O'Brien Rockaway TWP Address 418 Mineral Springs Dr.  
City Dover State NJ Zip 07801

School Phone 973-361-7330 ext. 327 School Fax 973-361-8537

Home No. 973-347-4833 Cell 973-479-5736

Business Office Contact Person \_\_\_\_\_

Business Office Address \_\_\_\_\_

Business Office Tel. \_\_\_\_\_ Business Office Fax \_\_\_\_\_

# EXHIBIT J

DOR NO. 2757

BILL TO

# ROCKAWAY TOWNSHIP BOARD OF EDUCATION

P.O. BOX 500 - HIBERNIA, N.J. 07842

TEL (973) 627-8200 FAX (973) 627-8552

BOARDS OF EDUCATION ARE EXEMPT FROM SALES TAX BY STATE STATUTE CHAPTER 30 - P.6625

BUDGET YEAR

2014->2015

PURCHASE ORDER NUMBER	
151342	
THIS NUMBER MUST APPEAR ON ALL PACKAGES, INVOICES AND CORRESPONDENCE	

## VOUCHER PLEASE SIGN & RETURN

08/31/2014

VENDOR:

PREPAY TRANSPORTATION CHARGES & SHIP TO:

RUTGERS K-12 MATH WORKSHOPS  
 DIMACS - CORE  
 96 FRELINGHUYSEN ROAD  
 PISCATAWAY, NJ 08854-8019

*PAID*  
 NOV 19 2014  
 137002

Attn To : Kathy Murphy  
 CURRICULUM & INSTRUCTION  
 ROCKAWAY TWP BD OF ED  
 P. O. BOX 500, 16 SCHOOL ROAD  
 HIBERNIA, NJ 07842

QUANTITY ORDERED	CATALOG / UNIT	ITEM DESCRIPTION / ACCOUNT NUMBER	UNIT PRICE	TOTAL AMOUNT
2	registratio	Workshop registratoin for Gifted Educaton Conference at Rutgers for J. Storts and M. Thomas November 20, 2014	149.00	298.00
		8012/11-000-221-500-44-012- (\$298.00)		\$298.00

FOR PAYMENT SIGN AND RETURN

**VENDOR'S CERTIFICATION & DECLARATION**

do solemnly declare and certify under the penalties of the law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one.

**AS ATTACHED**

SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_

IS YOUR COMPANY INCORPORATED? Yes  No

V.L. TAX I.D. NO. or SOCIAL SECURITY NO. \_\_\_\_\_ DATE \_\_\_\_\_

**APPROVAL FOR PAYMENT**

EXTENSION CHECKED BY *[Signature]* FINANCE COMMITTEE *[Signature]*

BOARD SECRETARY *[Signature]*

**NO ORDER VALID UNLESS SIGNED BY THE BOARD SECRETARY**

*[Signature]*  
BOARD SECRETARY



**INVOICE**

Date: October 9, 2014

TO: Rockaway Township Board of Education  
P.O. Box 500  
Hibernia, NJ 07842  
Re: J. Storts & M. Thomas

**Purchase Order #151342**

Please pay upon receipt for the following services:

Date	Services	Total Due
November 20, 2014	Registration for J. Storts and M. Thomas to attend the Gifted Education Conference at Rutgers University-New Brunswick, November 20, 2014.	\$298.00

Please make check payable to **Rutgers, The State University of New Jersey** and mail to:

The Office of Summer and Winter Sessions  
Division of Continuing Studies  
Rutgers, The State University of New Jersey  
55 Commercial Avenue, Suite 120  
New Brunswick, NJ 08901  
Attn: Dominique Houze

Rutgers, The State University of New Jersey  
Division of Continuing Studies  
55 Commercial Avenue  
New Brunswick, NJ 07503  
848-932-7565

# EXHIBIT K

VENDOR NO. 5648

**ROCKAWAY TOWNSHIP  
BOARD OF EDUCATION**

BUDGET YEAR

2014->2015

P.O. BOX 500 - HIBERNIA, N.J. 07842  
TEL (973) 627-8200 FAX (973) 627-8552

**BILL TO**

BOARDS OF EDUCATION ARE EXEMPT FROM SALES  
TAX BY STATE STATUTE CHAPTER 30 - P.6625

PURCHASE ORDER NUMBER	
151670	
THIS NUMBER MUST APPEAR ON ALL PACKAGES, INVOICES AND CORRESPONDENCE	

**VOUCHER**  
PLEASE SIGN & RETURN

DATE: 10/31/2014

VENDOR:

**PAID**

PREPAY TRANSPORTATION CHARGES & SHIP TO:

USCUTTER, INC.  
OAKRIDGE BUILDING CENTER  
17945 NE 65TH ST SUITE 280  
REDMOND, WA 98052

DEC 23 2014

137286

Attn To : MILLIE TALBOT  
CURRICULUM & INSTRUCTION  
ROCKAWAY TWP ED OF ED  
P. O. BOX 500, 16 SCHOOL ROAD  
HIBERNIA, NJ 07842

QUANTITY ORDERED	UNIT	ITEM DESCRIPTION/ACCOUNT NUMBER	UNIT PRICE	TOTAL AMOUNT
1	each	LEAPFROG 3D PRINTING EDUCATIONAL PACKAGE w/Creatr Dual Extruder, 3 packs of Print Stickers, 30 Leapfrog 8GB USB sticks, Simplify 3D (TM) Software, Creatr Toolkit, 8 rolls of MAXX Economy PLA, 8 rolls of MAXX Economy ABS, Live training, k and Online Support included in purchase price.	2,799.99	2,799.99
1	each	1 YR-EXTENDED WARRANTY	399.00	399.00
1	S&H	SHIPPING	183.00	183.00
				\$3,381.99

**PAYMENT SIGN AND RETURN**

#295576

**VENDOR'S CERTIFICATION & DECLARATION**

**APPROVAL FOR PAYMENT**

I do hereby certify and affirm that the invoice is correct in all its particulars; that the amount hereon stated is correct; that no bonus has been given or received by any person or persons in connection with the above claim; that the amount hereon stated is justly due and owing to the Township of Rockaway.

EXTENSION CHECKED BY: \_\_\_\_\_ FINANCE COMMITTEE:   M  

BOARD SECRETARY: \_\_\_\_\_  
**NO ORDER VALID UNLESS SIGNED BY THE BOARD SECRETARY**

*[Signature]*  
\_\_\_\_\_  
PRESIDENT

*[Signature]*  
\_\_\_\_\_  
BOARD SECRETARY

IS YOUR COMPANY INCORPORATED? Yes  No

FEDERAL TAX I.D. NO. or SOCIAL SECURITY NO. \_\_\_\_\_ DATE \_\_\_\_\_

BOARD SECRETARY

Page 1



17945 NE 65th St  
Suite 200  
Redmond, WA 98052

# Invoice

Date      Order #  
12/05/2014   295576

### Billing Address

MILLIE TALBOT  
Rockaway Twp Bd of Ed  
16 School Road  
Hibernia, New Jersey 07842-0500  
United States  
9736278200 ext. 210

Representative   Payment Type   Due Date  
Unknown      Gov Net 30      11/24/2014

### Shipping Address

MILLIE TALBOT  
Rockaway Twp Bd of Ed  
16 School Road  
Hibernia, New Jersey 07842-0500  
United States  
9736278200 ext. 210

Shipping Method	Shipping Price
Freight Economy LTL Est. - Commercial	\$183.00

Qty	Description	Price Ea.	Amount
1	Leapfrog 3D Printing Educational Package w/ Creatr Dual Extruder 3D Printer (Part: LFECREATREDU) Add_parts_and_accessories: No Thanks Add_extended_warranty: 1 Year Extended Warranty	\$3,198.99	\$3,198.99

### Order Summary

Thank you

Subtotal: \$3,198.99  
Adjustments: \$0.00  
Promotions: \$0.00  
Gov Net 30 Adj: \$0.00  
Sales Tax: \$0.00  
Shipping: \$183.00  
**Grand Total: \$3,381.99**  
Payments/Credits \$0.00  
Balance Due: \$3,381.99

# EXHIBIT L

# Rockaway Township Board of Education

[Home](#)

[< Prev](#) | [Next >](#)



Search District Policies

District Policies  
TOC

## District Policy

### **2464- GIFTED AND TALENTED PUPILS (M)**

Section: Program  
Date Created: January, 2013  
Date Edited: January, 2013

#### **M**

The Board of Education recognizes its responsibility to identify gifted and talented pupils within the school district and to provide these pupils appropriate instructional adaptations and services. To that end, the Board directs each such pupil in the school district be identified and offered an appropriate educational program and services.

For purposes of this policy, gifted and talented pupils will be defined as those exceptionally able pupils who possess or demonstrate high levels of abilities, in one or more content areas, when compared to their chronological peers in the district and who require modification of their educational program if they are to achieve in accordance with their capabilities.

The Board will develop appropriate curricular and instructional modifications to be used for gifted and talented pupils indicating content, process, products and learning environments.

The Superintendent will develop procedures, using multiple measures, for an ongoing identification process and appropriate educational challenges for gifted and talented pupils initiated in Kindergarten and reviewed annually through grade eight. The identification methodology will be developmentally appropriate, non-discriminatory and related to the programs and services offered by the district. These procedures will be reviewed annually.

The educational program offered to gifted and talented pupils will encourage and challenge them in the specific areas of their abilities, but will not replace the basic instructional program of the various grades of this district. The program offered to a gifted and talented pupil may be infused into the pupil's regular instructional program, provided that a written description of the infusion has been prepared and filed in the pupil's record.

Programs for the gifted and talented will be periodically evaluated for

their continuing efficacy and adjusted accordingly.

The parent(s) or legal guardian(s) of any pupil identified as gifted or talented shall be consulted regarding any program designed to address the pupil's particular needs.

N.J.S.A. 18A:61A-2; 18A:35-4.16  
N.J.A.C. 6:37-1.1; 6A:8-1.3; 6A:8-3.1(a)5.  
P.L. 108-382, Sec. 10201 et seq.

Adopted: 23 January 2013



# EXHIBIT M





1 of 1 DOCUMENT

NEW JERSEY ADMINISTRATIVE CODE  
Copyright © 2015 by the New Jersey Office of Administrative Law

\*\*\* This file includes all Regulations adopted and published through the \*\*\*  
\*\*\* New Jersey Register, Vol. 47 No. 5, March 2, 2015 \*\*\*

TITLE 6A. EDUCATION  
CHAPTER 8. STANDARDS AND ASSESSMENT  
SUBCHAPTER 3. IMPLEMENTATION OF THE CORE CURRICULUM CONTENT STANDARDS

*N.J.A.C. 6A:8-3.1 (2015)*

§ 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 CCCS 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 CCCS.

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 CCCS.

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 CCCS, 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 all students with disabilities educational programs aligned with the CCCS with appropriate accommodations, instructional adaptations, and/or modifications as determined by the IEP or 504 team.

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

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

ii. District boards of education shall provide appropriate 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.

## N.J.A.C. 6A:8-3.1

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 CCCS 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 CCCS, 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.

## HISTORY:

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

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

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

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

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

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

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

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

## N.J.A.C. 6A:8-3.1

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

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

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

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

Amended by R.2013 d.144, effective December 16, 2013.

See: *45 N.J.R. 1323(a)*, *45 N.J.R. 2545(a)*.

Rewrote the section.

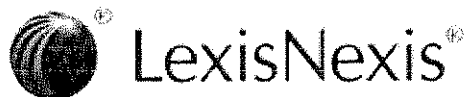
Administrative change.

See: *46 N.J.R. 1743(a)*.

**NOTES:**

Chapter Notes

# EXHIBIT N



1 of 1 DOCUMENT

NEW JERSEY ADMINISTRATIVE CODE  
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\*\*\* New Jersey Register, Vol. 47 No. 5, March 2, 2015 \*\*\*

TITLE 6A. EDUCATION  
CHAPTER 8. STANDARDS AND ASSESSMENT  
SUBCHAPTER 1. GENERAL PROVISIONS

*N.J.A.C. 6A:8-1.3 (2015)*

§ 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.

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

"All students" means every student enrolled in public elementary, secondary, and adult high school education programs within the State of New Jersey, including general education students, students with disabilities, and English language learners (ELLs).

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

"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.

"APA" means the Alternate Proficiency Assessment used to determine cumulative student achievement of the knowledge and skills specified by the Core Curriculum Content Standards for students with disabilities who are unable to participate in the component of the Statewide assessment for grades three through eight or the HSPA in accordance with *N.J.A.C. 6A:14-4.10*.

"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 Core Curriculum Content Standards.

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

"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 Core Curriculum Content 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.

"Core Curriculum Content Standards" or "CCCS" 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:30-1.4*.

"Credit" means the award for the equivalent of a class period of instruction, which meets for a minimum of 40 minutes, one time per week during the school year or as approved through *N.J.A.C. 6A:8-5.1(a)2*.

"Cut score" means a score on the assessment scales that demarcates the various performance levels (partially proficient, proficient, and advanced proficient).

"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*.

"ESL" 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.

"HSPA" means the High School Proficiency Assessment, which is used to determine student achievement of the knowledge and skills specified by the CCCS.

"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 CCCS.

"Individualized student learning opportunities" means student experiences based upon specific instructional objectives that meet or exceed the CCCS at the high school level. Such opportunities may occur in all CCCS 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 CCCS.

"Interdisciplinary connections" means integrating CCCS 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.

"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.

"Partially proficient" means a student-achieved score below the cut score, which demarks a solid understanding of the content measured by an individual section of any State assessment.

"Performance level" means one of several categories describing student proficiency with regard to the achievement of the CCCS.

"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.

"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" means a student-achieved score at or above the cut score, which demarks a solid understanding of the content measured by an individual section of any State assessment.

"QSAC" means the Quality Single Accountability Continuum, which is used 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 CCCS 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.

"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.

"Technological literacy" means students meeting CCCS 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 CCCS 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.

#### HISTORY:

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

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

Rewrote "All students" and "APA"; added "GED"; in "Core Curriculum Content Standards" and "IEP team" amended the N.J.A.C. references.

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

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

In "APA", deleted "Core Curriculum Content Standards for Students with Severe Disabilities and/or the" following "specified by the" and amended the N.J.A.C. reference; in "Core Curriculum Content Standards", deleted reference to benchmark grades four, eight, and 11-12; deleted "Core Curriculum Content Standards for Students with Severe Disabilities"; in "WIB", deleted "Governor Christine Todd Whitman's" preceding "Executive Order".

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



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

Rewrote the section.

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

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

Updated the N.J.A.C. references in definitions "APA", "IEP" and "IEP Team".

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

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

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

Amended by R.2013 d.144, effective December 16, 2013.

See: 45 N.J.R. 1323(a), 45 N.J.R. 2545(a).

In the introductory paragraph, deleted ", when used in this chapter," following "terms", and inserted "when used in this chapter"; added definitions "Adult education assessment test", "Annual measurable objectives" or "AMOs", "Career and technical education", "Indicator", "Professional development", and "Technological literacy"; rewrote definitions "Advanced Placement courses", "Advanced proficient", "APA", "Approved private schools for the disabled", "Career awareness, exploration, and preparation", "Charter school", "Chief school administrator", "CLEP", "Content equivalent", "Core Curriculum Content Standards", "Credit", "ELL", "ESL", "Evaluation", "504 student", "504 team", "Gifted and talented students", "HSPA", "IEP", "Individualized student learning opportunities", "Instructional adaptation", "Interdisciplinary connections", "MOPI", "OPI", "Partially proficient", "Performance level", "Personalization", "Personalized Student Learning Plan", "Proficient", "QSAC", "Service learning experience", "STAMP", "Standards support materials", "State-endorsed diploma", "Structured learning experience", "Study abroad programs", and "Transcript"; deleted definitions "Commissioner", "Competency Assessment", "Cumulative progress indicators", "District boards of education", "ECPA", "Performance assessment", "SETC", "Twenty-first century themes", "Vocational-technical education program", and "WIB"; substituted definition "Cut score" for definition "Cut scores", definition "English language development standards" for definition "English Language Proficiency Standards", definition "IEP team" for definition "IEP Team", definition "State-issued high school diploma" for definition "State-issued diploma", and definition "Twenty-first century themes and skills" for definition "Twenty-first century skills"; and rewrote definitions "Cut scores", "English language development standards", "IEP team", "State-issued high school diploma", and "Twenty-first century themes and skills".

#### NOTES:

Chapter Notes

# EXHIBIT O



NEW JERSEY REGISTER

ISSUE: VOLUME 37, NUMBER 13

ISSUE DATE: July 5, 2005

SUBJECT: RULE ADOPTIONS

AGENCY: EDUCATION  
STATE BOARD OF EDUCATION

*37 N.J.R. 2487(a)*

**Readoption with Amendments: N.J.A.C. 6A:8**  
**Adopted Amendments: N.J.A.C. 6A:19-7.1 and 8.1**

**Standards and Assessment and Vocational-Technical Education Programs and Standards**

Proposed: March 21, 2005 at 37 N.J.R. 833(a).

Adopted: June 7, 2005 by the State Board of Education, William L. Librera, Ed.D., Commissioner, Department of Education and Secretary, State Board of Education.

Filed: June 7, 2005 as R.2005 d.213, **with a technical change** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 18A:7A-4 through 14, 18A:7C, 18A:7E-2 through 5, 18A:35-4.2, 18A:35-4.7, 18A:59-5 and 18A:7F-4, 4.1 and 4.2.

Effective Dates: June 7, 2005, Readoption; July 5, 2005, Amendments.

Expiration Dates: June 7, 2010, N.J.A.C. 6A:8; November 20, 2006, N.J.A.C. 6A:19.

**Summary of Public Comments and Agency Responses:**

The following is a summary of the comments received and the Department's response. Each commenter is identified at the end of each comment by a number, which corresponds to the following list:

1. Judy Petillo, President, Bergen County Consortium for Teachers of the Gifted (BCCTG)
2. Miriam Hlawatsch, Secretary, Bergen County Consortium for Teachers of the Gifted (BCCTG)
3. Bernadette Ricco, Gifted & Talented Educator, Norwood Public School District
4. William C. Lauer, Retired Teacher, Ocean City High School
5. Kay N. Della Barca, Business & Technology Supervisor, Ocean City High School
6. Christopher D. Kniesler, Director of Governmental Relations, New Jersey School Boards Association
7. Lynn Muller-Guiser, Tinton Falls Parent
8. William S. England, President, Special Education PTA of South River
9. Joanne H. Walls, Principal, Ocean City High School
10. Eric Baroni, Business and Technology Teacher, Ocean City High School

11. Camille M. Nickles, Teacher, Ocean City High School
12. Linda L. Spengler, Family and Consumer Sciences Teacher, Ocean City High School
13. Mary Maguire, Family and Consumer Sciences Educator, Ocean City High School
14. Lisa O'Neill, Teacher, Ocean City High School

1. COMMENT: The commenter questioned the prescriptiveness of the proposed new N.J.A.C. 6A:8-3.1(a)5ii, requiring that district boards of education provide appropriate K-12 educational programs and services for gifted and talented students. The commenter specifically suggested that the words "programs and" be omitted from the paragraph. (6)

RESPONSE: The State Board voted, on February 2, 2005, to remove the words "programs and" from the proposed regulations prior to publication in the New Jersey Register on March 21, 2005. The following language reflects the rule as published in the New Jersey Register on March 21, 2005:

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

2. COMMENT: The commenter expressed concern that the proposed increase in the minimum subgroup size for students with disabilities, contained in the State of New Jersey Consolidated State Application Accountability Workbook, and referenced at N.J.A.C. 6A:8-4.4(a)1ii, 2ii, and 3ii, would discriminate against classified students by not holding schools accountable for their performance. (7)

RESPONSE: The change in minimum subgroup size for students with disabilities does not omit them from the accountability system. Although a school may not meet the minimum criterion of 35 students for the special education subgroup, the scores of students with disabilities are included in the "total students" subgroup as well as any other relevant subgroup. As a result, the scores of students with disabilities are included in the percent proficient or advanced proficient used to determine adequate yearly progress (AYP) in the same way the scores of their non-disabled peers are included. This ensures that the scores of students with disabilities are included in the data used to determine how well a school is teaching the Core Curriculum Content Standards and future directions for curricula. The new subgroup size ensures that assumptions about school programs and improvement over time are made based on valid and reliable subgroup assessment data.

AYP calculations are primarily used to determine if a school is doing a good job of educating students over time. The use of subgroups ensures that the needs of all students are addressed. The Department has determined that basing decisions about students receiving special education on very small numbers will not yield an accurate picture of the students' programs over time. In a small subgroup, one student's score can significantly alter the AYP. Small changes due to changes in the nature of the disabilities of the tested population, rather than changes in the program, may result in the school entering or exiting improvement status erroneously. Increasing the subgroup size to 35 limits the chance of inaccurate AYP decisions based on a very small heterogeneous group.

Additionally, New Jersey school districts vary in size from less than 100 students to 40,000 students. An individual student score carries much more weight in a smaller school district in the calculation of participation rates and adequate yearly progress. School districts also vary in their identification criteria and the resulting incidence of students with disabilities. The Statewide incidence rate is approximately 15 percent and this varies from a low of eight percent to a high of approximately 29 percent. By establishing a higher subgroup size, the Department can improve the Statewide consistency of decisions the Department make regarding the performance of a school or a school district.

The No Child Left Behind Act requires the Department to assess students in grades three through eight by the 2007-2008 school year. As additional grades are added to the Statewide assessment system, the tested population in a school will increase in size. The Department plans to combine tested grades in the calculation of AYP, which will increase the number of schools across the State where the special education subgroup will be included in AYP calculations. This will further ensure that students with disabilities are adequately represented in the accountability system.

3. COMMENT: The commenter, who had previously testified in opposition to raising the minimum subgroup size from 20 to 35 for special education students, withdrew his objections and expressed support for the change. He specifically referred to the rationale as articulated by the Department in Response to Comment 2 above. (8)

RESPONSE: The Department thanks the commenter for his support.

4. COMMENT: The commenters expressed enthusiastic support for readoption of N.J.A.C. 6A:8, Standards and Assessment for Student Achievement. The commenters expressed particular enthusiasm for the continued inclusion of

the five-credit graduation requirement in career education and consumer, family, and life skills, or vocational-technical education proposed at N.J.A.C. 6A:8-5.1(a)1i(9). (4, 5, 9, 10, 11, 12, 13, 14)

RESPONSE: The Department thanks the commenters for their support.

5. COMMENT: The commenters expressed strong support for the amendments proposed to N.J.A.C. 6A:8-3.1(a)5, relating to gifted and talented students. The commenters also suggested that the areas of dedicated personnel, teacher certification, dedicated space, and minimum contact time be considered for the future establishment of minimum Statewide standards for gifted and talented programs. (1, 2, 3)

RESPONSE: The Department thanks the commenters for their support and will continue to review their recommendations for future refinements.

6. COMMENT: The commenter expressed concern over the use of the term "district boards of education" to include numerous providers of publicly funded education, as defined in N.J.A.C. 6A:8-1.3. (6)

RESPONSE: The Department disagrees. The inclusive definition has proved to be workable over the past five years.

7. COMMENT: The commenter expressed concern over the elimination of articulation agreements between colleges and high schools in N.J.A.C. 6A:8-3.3(a). (6)

RESPONSE: The proposed amendment at N.J.A.C. 6A:8-3.3(a) deletes the requirement that district boards of education make reasonable efforts to "develop articulation agreements with New Jersey colleges and universities to facilitate the delivery of college credit courses to qualified high school students" and adds the requirement that district boards of education make reasonable efforts to "increase the availability of college-level instruction of high school students through courses offered by institutions of higher education at their campuses and in high schools." This language is consistent with the language in N.J.S.A. 18A:61C-1. There is no proposed elimination of existing articulation agreements. The change simply gives district boards of education the added flexibility intended by the legislation.

8. COMMENT: The commenter expressed concern that three-year-olds are not mentioned within the proposed early childhood education regulations at N.J.A.C. 6A:8-2.3. (6)

RESPONSE: Within N.J.A.C. 6A:8-2.4(a)2, proposed to be recodified as N.J.A.C. 6A:8-2.3(a)2, district boards of education, with a concentration of low-income pupils equal to or greater than 40 percent, may expand early childhood education programs and services to three-year-olds, at such time that full-day kindergarten is offered to all five-year-olds and preschool classes are offered to all four-year-olds. This provision is not proposed for amendment.

9. COMMENT: The commenter expressed concern over the class-size limitations for preschool in N.J.A.C. 6A:8-3.4(e)1 and recommended that there be a waiver process for the 18-student limit. (6)

RESPONSE: Research, such as that reported by the National Research Council Committee on Early Childhood Pedagogy (2000), indicates that smaller classroom size of no more than 15 to 18 children is a cornerstone of early childhood classroom effectiveness, particularly when the population is weighted toward disadvantaged economic background. The proposed N.J.A.C. 6A:8-3.4(e)1 is specific to non-Abbott ECPA districts. A non-Abbott, non-ECPA school district funding preschool with local resources is not bound by this rule, pursuant to proposed N.J.A.C. 6A:8-2.3. An additional waiver process is not necessary, since there is already such a process delineated at N.J.A.C. 6A:5-1.

10. COMMENT: The commenter expressed concern over possible added costs to school districts resulting from the proposed rules, including, but not limited to, increased professional development obligations for school districts stemming from the proposed amendment at N.J.A.C. 6A:8-3.4(h). (6)

RESPONSE: The Department disagrees. While the rules proposed for readoption with amendments will undoubtedly have an impact on the content of instructional programs for some students, there is no reason to anticipate that such curricular modifications would involve increased expenditures for school districts. All publicly funded education programs in New Jersey are now focused on aligning curriculum and instruction to assist students in achieving the standards. There is also recognition that professional development of teachers must continually occur if standards-based reforms are to succeed. This may necessitate a realignment of budget priorities for some providers in order to accommodate needed changes. State and Federal funds support standards-based reforms and early childhood programs at the school and school district levels. The current regulations at N.J.A.C. 6A:8-3.4(a), (b) and (c) outline requirements for professional development within a school district's annual Early Childhood Program Aid fiscal operational plan. The

proposed amendment at N.J.A.C. 6A:8-3.4(h) serves to clarify the audience and type of training (that is, "specific to early childhood"). It does not require an increased professional development obligation.

11. COMMENT: The commenter asked for clarification of the exclusion of county special services school districts, educational services commissions, and jointure commissions in the amendments at N.J.A.C. 6A:8-4.4(b)1, 2 and 3. (6)

RESPONSE: The proposed amendments at N.J.A.C. 6A:8-4.4(b)1, 2 and 3 clarify that these paragraphs apply only to schools subject to evaluation according to the Evaluation of the Performance of School Districts rules at N.J.A.C. 6A:30, other than county special services school districts, educational services commissions, and jointure commissions. These providers of publicly funded education programs have the same responsibilities as all schools with regard to providing instruction aligned with the Core Curriculum Content Standards and including all students in the Statewide assessment system; however, they are monitored differently. Statewide assessment performance of the students served by these entities is monitored through their sending schools.

12. Concerning N.J.A.C. 6A:19-7.1, the commenter expressed several concerns and made recommendations related to the language being relocated from N.J.A.C. 6A:8 into N.J.A.C. 6A:19-7.1, Application procedures, in N.J.A.C. 6A:19, Vocational-Technical Education Programs and Standards (6):

A. COMMENT: The commenter refers to the provision in N.J.A.C. 6A:19-7.1 that gives the Commissioner authority to withhold State and Federal funds from district boards of education when certain negative conditions exist in vocational-technical education programs. The commenter expressed concern that a local school district might have Federal or State vocational funds withheld if one of the district's students were enrolled in a vocational-technical provider outside the district that is found to have negative conditions. (6)

RESPONSE: The Department distributes Federal and State vocational-technical education funds to eligible providers by formula through an application process. If an eligible applicant does not meet the application requirements, the funds would be withheld from the eligible applicant, not the sending school district. The Department's application process for distributing Federal and State vocational-technical funds was approved by the United States Department of Education as consistent with the Section 122, State Plan, of the Carl D. Perkins Vocational and Technical Education Act (P.L. 105-332).

B. COMMENT: The commenter requested clarification regarding which agency determines if a vocational-technical program is approved or unapproved under paragraph (b)1 of N.J.A.C. 6A:19-7.1, Application procedures. (6)

RESPONSE: The Department of Education, Office of Vocational-Technical, Career and Innovative Programs is the approving agency for vocational-technical education programs.

C. COMMENT: The commenter made a general comment that language be changed in paragraph (b)2 in N.J.A.C. 6A:19-7.1, Application procedures, as the commenter is concerned that the current language may limit non-traditional or demonstration programs. (6)

RESPONSE: The Department specifically permits non-traditional and demonstration in its application for Federal and State vocational-technical education funds as well as in its vocational-technical program approval process, as required by Section 122, State Plan, of the Carl D. Perkins Vocational and Technical Education Act (P.L. 105-332). Many of the State's county vocational-technical school districts have created full-time career academics, and many high schools have also developed "schools within schools" using a career academy format. In addition, districts submit vocational-technical education programs in new and/or emerging occupations and career pathways for program approval every year. Non-traditional and demonstration programs have grown substantially as a result of the enactment of the Carl D. Perkins Vocational and Applied Technology Education Act of 1990 and its reauthorization in 1994, and the enactment and reauthorization of the Youth Transitions to Work Partnership Act of 1993.

D. COMMENT: The commenter recommends that language in paragraph (b)2 of N.J.A.C. 6A:19-7.1, Application procedures, which authorizes the Commissioner to "withhold State and Federal funds" from vocational-technical programs if found to be unsafe, be changed to the term "withdraw funding." The commenter requests this change because of concerns that it would be impossible to determine in advance what vocational-technical programs are potentially unsafe or exploitive. (6)

RESPONSE: The Department respectfully disagrees with the commenter. The Department's vocational-technical program approval process includes provisions designed to ensure student safety and health, including the following:

. Current staff or staff that have not yet been identified meet the certification requirements [N.J.A.C. 6A:19-2.3 and 6.8(a)5];

. Instructional activities on vocational-technical safety and health are included in the curriculum [N.J.A.C. 6A:19-10.2];

. Structured learning experiences adhere to all applicable provisions and regulations of the Federal Fair Labor Standards Act, State and Federal Child Labor laws and State administrative code [N.J.A.C. 6A:19-6.4]; and

. Safety standards are adhered to regarding equipment safety, use of hazardous materials and personal protection [N.J.A.C. 6A:19-10.1].

If an eligible applicant applies for vocational-technical education funds to support a vocational-technical education program that does not meet these safety requirements and assurances, the Department would withhold funds until and unless these requirements are remediate by the applicant. The Department's application process for distributing Federal and State vocational technical funds was approved by the United States Department of Education as consistent with the Section 122. State Plan, of the Carl D. Perkins Vocational and Technical Education Act (P.L. 105-332).

E. COMMENT: The commenter recommends changing language in N.J.A.C. 6A:19-8.1, Program approval process: adoption of standards, N.J.A.C. 6A:19, Vocational-Technical Education Programs and Standards, which authorizes approval of non-collegiate, postsecondary vocational-technical programs. The commenter is concerned that such approvals may stifle local education authorities' ability to link with colleges and universities that may offer alternative programs, and that such approvals will discourage or eliminate college linkages with local education authorities. (6)

RESPONSE: The Department respectfully disagrees with the commenter about the impact of approving non-collegiate, postsecondary vocational-technical programs. The Department is required to approve non-collegiate linkages as described in Title II, Section 202.(a)(3)(E)-(F) of the Carl D. Perkins Vocational and Technical Education Act (P.L. 105-332). The Act identifies approved outcomes of secondary and postsecondary articulations agreements to be (E) "associate or a baccalaureate degree or a postsecondary certificate in a specific career field"; and (F) "leads to placement in appropriate employment or to further education." Apprenticeship training, which prepares individuals for highly complex trade and technical occupations by using a combination of on-the-job training and related classroom instruction, is also an approved outcome for Tech Prep programs under the Carl D. Perkins Vocational and Technical Education Act (P.L. 105-332). In addition, the State-funded Youth Transitions to Work Partnership Act (P.L. 1993, c.268) promotes linkages between school districts, postsecondary education institutions and apprenticeship training programs, as the legislature recognizes the value of such linkages. Finally, the New Jersey AFL-CIO and the State Employment and Training Commission began in 2004 a new apprenticeship-to-college initiative where secondary school districts are required partners. The Department has found no evidence that approving and/or funding a variety of post-secondary non-collegiate education and training programs has negatively impacted school districts' opportunities to articulate with colleges. The variety of linkages between school districts and postsecondary institutions has greatly expanded and the number of linkages has steadily increased as a result of the enactment of the Carl D. Perkins Vocational and Applied Technology Act of 1990 and its reauthorization in 1994, the enactment and reauthorization of the Youth Transitions to Work Partnership Act of 1993, and the new apprenticeship-to-college initiative.

#### Summary of Agency-Initiated Changes:

The Department is changing a cross-reference to N.J.A.C. 6A:8-2.4 at N.J.A.C. 6A:8-3.4(a) to reflect that section's recodification as N.J.A.C. 6A:8-2.3.

#### Federal Standards Statement

The rules are in compliance with Federal education requirements included in the 2002 reauthorization of ESEA (P.L. 107-110) and in IDEA (20 U.S.C. § 1412). As adopted, the readopted rules and adopted amendments will not exceed the Federal requirements of ESEA and IDEA. There are no other Federal requirements that impact these readopted rules and adopted amendments.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 6A:8.

**Full text** of the adopted amendments follows (addition to proposal indicated in boldface with asterisks **\*thus\***; deletion from proposal indicated in brackets with asterisks **\*[thus]\***):

## CHAPTER 8 STANDARDS AND ASSESSMENT

## SUBCHAPTER 1. GENERAL PROVISIONS

## 6A:8-1.1 Purpose

(a) The Core Curriculum Content Standards define what all students should know and be able to do by the end of their public school education.

1. The Core Curriculum Content Standards specify expectations in nine academic content areas: the visual and performing arts, comprehensive health and physical education, language arts literacy, mathematics, science, social studies, world languages, technological literacy, and career education and consumer, family, and life skills.

2. (No change.)

(b)-(d) (No change.)

## 6A:8-1.2 Scope

(a) (No change.)

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

(c) (No change.)

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

## 6A:8-1.3 Definitions

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

...

"ACTFL" means the American Council on the Teaching of Foreign Languages.

...

"APA" means the Alternate Proficiency Assessment, to be used to determine cumulative student achievement of the knowledge and skills specified by the Core Curriculum Content Standards, for students with disabilities who are unable to participate in the elementary component of the Statewide assessment for grades three through seven, the grade eight component of the Statewide assessment, or the HSPA in accordance with N.J.A.C. 6A:14-4.11.

...

"Career awareness, exploration, and preparation" means instruction and programs which assist students to clarify career goals, explore career possibilities, develop employability skills, develop foundational knowledge necessary for success in the workplace, and make the transition from school to careers, including postsecondary education or training and employment.

...

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

...

"Core Curriculum Content Standards" means statements adopted by the State Board of Education May 1, 1996, and as thereafter revised by the State Board, which describe the knowledge and skills all New Jersey students are expected to acquire by benchmark grades. These standards are established for the provision of a thorough and efficient education



pursuant to N.J.S.A. 18A:7F-4 and as a basis for the evaluation of school districts in accordance with N.J.A.C. 6A:30-1.4.

"Curriculum frameworks" means documents published by the Department of Education, either in hard copy or in electronic format, that include and elaborate on the Core Curriculum Content Standards for kindergarten through grade 12 education and that may assist in the development of local curricula.

"District boards of education" means, for purposes of this chapter, all providers of publicly funded elementary, secondary, and adult high school education programs, including county vocational schools, educational services commissions, jointure commissions, charter schools, regional day schools, adult high schools, county special services school districts, the Marie H. Katzenbach School for the Deaf, the Department of Human Services, the Department of Corrections, the Juvenile Justice Commission, public college-operated programs, and approved private schools for the disabled.

"ECPA" means Early Childhood Program Aid, which, pursuant to N.J.S.A. 18A:7F-16, is distributed to all school districts with high concentrations of low-income students for the purpose of providing full-day kindergarten and pre-school classes and other early childhood programs and services.

"English Language Proficiency Standards" means the most recent alignment of New Jersey's ESL standards to the "ESL Standards for Pre-K through 12 Students" pursuant to N.J.A.C. 6A:15-1.4(c)1.

"ESL" means English as a second language.

"504 student" means a student who has a physical or mental impairment which substantially limits a major life function; has been determined eligible for services, including accommodations and modifications by the school district's 504 team; and has a 504 plan.

"Gifted and talented students" means those students who possess or demonstrate high levels of ability, in one or more content areas, when compared to their chronological peers in the local school district and who require modifications of their educational program if they are to achieve in accordance with their capabilities.

"IEP Team" means the group of individuals who are responsible for the development, review, and revision of the student's Individualized Education Program as specified in N.J.A.C. 6A:14-2.3(i)2.

"LLS" means the Language Learning Solutions online proficiency-based assessment for world languages.

"Magnet program" means a distinctive program designed to:

1. Attract students by offering a specialized curriculum based on a special theme or method of instruction; and
2. Substantially strengthen the knowledge of academic subjects and the attainment of tangible and marketable vocational, technological, and professional skills of students attending the program.

"MOPI" means the ACTFL Modified Oral Proficiency Interview, which is a standardized assessment of functional speaking ability often used to test the lower proficiency ranges.

"OPI" means the ACTFL Oral Proficiency Interview, which is a standardized assessment of functional speaking ability currently available in 37 different world languages.

"Performance assessment" means observing and evaluating demonstrations of what students know and can do, including such things as essays, portfolios of student work, performance tasks, projects, laboratory reports, and structured learning experiences.

"Structured learning experience" means experiential, supervised educational activities linked to the Core Curriculum Content Standards and designed to provide students with exposure to the requirements and responsibilities of specific job titles or job groups, and to assist them in gaining employment skills and making career and educational decisions. A structured learning experience may be either paid or unpaid, depending on the type of activities in which the student is involved.

"Vocational-technical education program" means a sequence of academic and vocational courses designed to provide students with the industry-based skills and knowledge needed to gain employment in a particular occupation or career area or to pursue further education at the post-secondary level.

## SUBCHAPTER 2. THE CORE CURRICULUM CONTENT STANDARDS

### 6A:8-2.1 Authority for educational goals and standards

(a) The State Board of Education is responsible for establishing State educational goals and standards according to P.L. 1990, c.52, P.L. 1991, c.3 and P.L. 1991, c.62.

1. In July 2002, the State Board adopted by resolution revised Core Curriculum Content Standards and associated cumulative progress indicators in language arts literacy, mathematics, and science, which establish the basis for local curriculum and instruction, the Statewide assessment system, and evaluation of local district boards of education.

2. In April 2004, the State Board adopted revised Core Curriculum Content Standards and associated cumulative progress indicators in language arts literacy, visual and performing arts, comprehensive health and physical education, world languages, technological literacy, and career education and consumer, family, and life skills.

3. In July 2004, the State Board adopted the Preschool Teaching and Learning Expectations: Standards of Quality, to serve as standards of quality for State-funded public school preschool programs in New Jersey.

4. In October 2004, the State Board adopted revised Core Curriculum Content Standards and associated cumulative progress indicators in social studies.

5. The State Board on or before May 2008 will initiate a review and readoption process for the Core Curriculum Content Standards and the Preschool Teaching and Learning Expectations: Standards of Quality. This process will be repeated every five years thereafter, based on recommendations by the Commissioner according to the following procedure:

i.-v. (No change.)

### 6A:8-2.2 Authority for the State Plan for Vocational Education

(a) (No change.)

(b) The State Board will be guided by the Core Curriculum Content Standards and, particularly, the career education and consumer, family, and life skills standards and the technological literacy standards, in developing the State Plan for Vocational Education required under P.L. 105-332.

### 6A:8-2.3 Authority for requirement to establish early childhood education programs

(a) Pursuant to N.J.S.A. 18A:7F-16, district boards of education, except Abbott districts pursuant to N.J.A.C. 6A:24-3.1 through 3.4, with high concentrations of low-income students shall establish and maintain preschool and full-day kindergarten for all four- and five-year-olds.

1.-2. (No change.)

(b) District boards of education shall not admit non-resident three- or four-year-old children to ECPA funded preschool programs within any non-Abbott ECPA district.

## SUBCHAPTER 3. IMPLEMENTATION OF THE CORE CURRICULUM CONTENT STANDARDS

## 6A:8-3.1 Curriculum and instruction

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

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

2.-4. (No change.)

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

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

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

iii. (No change in text.)

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

6. District boards of education shall actively assist and support professional development for teachers, educational services staff, and school leaders, including their efforts to meet the mandatory professional development requirements as specified in N.J.A.C. 6A:9-15.1 and 16.1.

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

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

(c)-(d) (No change.)

## 6A:8-3.2 Career education and counseling

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

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

i.-ii. (No change.)

iii. Takes into consideration the National Career Development Guidelines and the Career Development Standards of the National Standards for School Counseling Programs of the American School Counselor Association in the following three areas of student development:

(1)-(3) (No change.)

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

i. Assist students in making and implementing informed educational and career choices, including opportunities to change career focus;

ii. Support students' academic attainment, career development, and personal/social development;

iii. Develop students' understanding of the relationships among academic attainment, career development, and personal/social development; and

iv. Encourage students to create and maintain portfolios consisting of student accomplishments including academic and career-oriented work samples that reflect achievement of the Core Curriculum Content Standards.

3. District boards of education shall ensure that, for students with disabilities beginning at age 14, or younger if determined appropriate by the IEP team, career guidance and academic counseling are coordinated with transition services provided in accordance with N.J.A.C. 6A:14-3.7.

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

1. Include the integration of technological literacy, consistent with the Core Curriculum Content Standards;

Recodify existing 1.-2. as 2.-3. (No change in text.)

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

1. Offers all students the opportunity to more fully explore career interests within one or more of the Career Clusters identified in the Vocational-Technical Education Programs and Standards rules at N.J.A.C. 6A:19, that are linked to the Core Curriculum Content Standards and measured by the Statewide assessment system according to N.J.A.C. 6A:8-4;

2. Allows district boards of education to select the appropriate format for offering career-development activities based on district resources, community needs, and student interest;

3. Allows district boards of education to select the delivery format that may include:

i.-ii. (No change.)

4. (No change.)

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

1. District boards of education shall design structured learning experiences as rigorous activities that are integrated into the curriculum. As used in this paragraph, "rigorous activities" means that the student activities have identifiable educational goals which support the Core Curriculum Content Standards, and in particular the career education and consumer, family and life skills standards and the technological literacy standards. Structured learning experiences should give students opportunities to demonstrate and apply a high level of academic attainment and to develop career and personal/social goals.

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

i. (No change.)

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

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

i. Are supervised by school personnel in accordance with the requirements identified in the Professional Licensure and Standards rules at N.J.A.C. 6A:9-13.19 through 13.22;

ii.-iii. (No change.)

4. (No change.)

#### 6A:8-3.3 Enrollment in college courses

(a) District boards of education, pursuant to N.J.S.A. 18A:61C-1, shall make reasonable efforts to increase the availability of college-level instruction for high school students through courses offered by institutions of higher educa-

tion at their campuses and in high schools. These credits shall be accepted at all public New Jersey higher education institutions pursuant to N.J.S.A. 18A:61C-8.

(b) (No change.)

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

1. Equivalent college courses to those offered to regularly admitted college students; and
2. (No change.)

(d) (No change.)

#### 6A:8-3.4 Requirements for early childhood education programs

(a) A district board of education, except Abbott districts pursuant to N.J.A.C. 6A:24-3.4, required under N.J.A.C. 6A:8-2.3\* to establish early childhood education programs shall submit a program and fiscal operational plan for Early Childhood Program Aid (ECPA), on a form provided by the Commissioner, to the county superintendent for review and approval, and shall be subject to monitoring. The program and fiscal operational plan shall be revised annually, prior to each fiscal year to reflect changes in program and fiscal components.

1. The fiscal section of the plan is pursuant to N.J.A.C. 6A:23-5.4.

2. The district board of education shall serve at least 75 percent of the universe of four-year-old children prior to any application of ECPA funds to first through third grades.

3. The district board of education shall serve all enrolled four-year-old children in a full day program prior to any application of ECPA funding to first through third grades.

(b) The county superintendent shall review each line item in the school district's program and fiscal operational plan to determine whether it is appropriate.

(c) A district board of education shall include in the program section of the plan the following components:

1. District-wide planning;
- 2.-3. (No change.)
4. Curriculum development and implementation;
5. Inclusion of children with disabilities in general education classrooms to the maximum extent possible; and
6. (No change in text.)

(d) (No change.)

(e) A district board of education shall ensure that the early childhood education program:

1. Maintains preschool classroom enrollments of no more than 18 children with one certified teacher and one aide, commencing July 1, 2008;

2. (No change in text.)

3. Is designed to meet the Preschool Teaching and Learning Expectations: Standards of Quality and the Core Curriculum Content Standards;

4. Includes transition activities, programs, and services between preschool programs and kindergarten programs;

Recodify existing 3.-4. as 5.-6. (No change in text.)

(f) A district board of education shall base early childhood education programs and curricula on student needs, strengths and interests that focus on all aspects of development: cognitive, social, emotional and physical. Curriculum and assessment strategies and/or resources shall be developmentally appropriate and include performance-based assessment measures.

(g) (No change.)

(h) A district board of education shall provide professional development and training specific to early childhood education for all early childhood education administrators, teachers, and teacher assistants.

(i) A district board of education may contract with Department of Human Services (DHS)-licensed child care programs where practical so as not to duplicate the provision of early childhood education programs available in the community, provided that the DHS-licensed child care program(s) with which the district board of education contracts complies with the district's program requirements, including the employment of appropriately licensed teaching staff.

(j)-(k) (No change.)

#### SUBCHAPTER 4. IMPLEMENTATION OF THE STATEWIDE ASSESSMENT SYSTEM

##### 6A:8-4.1 Statewide assessment system

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

(b) (No change.)

(c) District boards of education shall, according to a schedule prescribed by the Commissioner, administer the applicable Statewide assessments, including the five major components: the elementary assessment component for grades three through seven, the grade eight assessment component, the High School Proficiency Assessment (HSPA), the Special Review Assessment (SRA), and the Alternate Proficiency Assessment (APA).

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

i. 2004-2005 Continued administration of mathematics and language arts literacy in grades three and four and administration of science in grade four;

ii. 2005-2006 Continued administration of mathematics and language arts literacy in grades three and four and science in grade four;

iii. 2006-2007 Administration of mathematics and language arts literacy in grades three, four, five, six, and seven, and continued administration of science in grade four; and

iv. 2007-2008 and 2008-2009 Continued administration of mathematics and language arts literacy in grades three, four, five, six, and seven, and science in grade four.

2. The Department shall implement the grade eight component of the Statewide assessment of the Core Curriculum Content Standards according to the following schedule:

i. (No change.)

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

i. 2004-2005 Continued administration of mathematics and language arts literacy in grade 11;

ii. 2005-2006 Administration of science and continued administration of mathematics and language arts literacy in grade 11;

iii. 2006-2007 Continued administration of mathematics, science, and language arts literacy in grade 11; and

iv. 2007-2008 and 2008-2009 Continued administration of mathematics, science, and language arts literacy in grade 11.

(d) All students at grade levels three through eight and 11-12, pursuant to (b) and (c) above, and at any other grades designated by the Commissioner pursuant to (a) above, shall take all appropriate Statewide assessments as scheduled.

1. District boards of education shall provide appropriate accommodations or modifications to the Statewide assessment system as specified by the Department for limited English proficient (LEP) students and students with disabili-

ities as defined in N.J.A.C. 6A:14-1.3 or eligible under Section 504 of the Rehabilitation Act as determined by the Individualized Education Program (IEP) team or the 504 team.

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

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

2. (No change.)

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

i. (No change.)

ii. The APA measures the progress of students who have been determined eligible for the APA by the IEP team in accordance with N.J.A.C. 6A:14-4.11.

4. (No change.)

(e) (No change.)

#### 6A:8-4.2 Documentation of student achievement

(a) The Department of Education, after each test administration, shall provide to chief school administrators the following:

1.-2. (No change.)

3. School and school district summary data, including school and school district means, numbers tested, and percent achieving at each performance level, with school district summary data aggregated and disaggregated, and school summary data disaggregated, for students with disabilities as defined by N.J.A.C. 6A:14-1.3 and for those who have limited English proficiency.

(b)-(c) (No change.)

(d) District boards of education shall maintain, for every student, a ninth-grade through graduation transcript which contains the following, as available:

1.-2. (No change.)

3. (No change in text.)

4. Evidence of technological literacy;

5. Evidence of career education instructional experiences and career development activities;

6. The results of any industry certification tests linked to one or more industry-based standards for those students who participate in vocational-technical education programs; and

7. (No change in text.)

#### 6A:8-4.4 Annual review and evaluation of school districts

(a) The Department of Education shall review the performance of schools and school districts, using a percent of students performing at the proficient level as one measure of adequate yearly progress and incorporating a progress criterion indicative of systemic reform as defined in (a)1iv, 2iv, and 3iv below. The review shall include the performance of all students, including students with disabilities as defined by N.J.A.C. 6A:14-1.3, students from major racial and ethnic groups, economically disadvantaged students, and students who have limited English proficiency. This review shall take place at each grade level in which Statewide assessments are administered, using the following criteria:

1. A specified increasing percent of the total number of students tested and of each statistically viable subgroup of all third-, fourth-, and fifth-grade students tested in a school or school district, except those students who have enrolled after July 1 of the calendar year prior to the test administration, shall have scored at the proficient level, or higher, on the elementary component of the Statewide assessment and/or the APA, in each of the content areas assessed.

i. The specified increasing percent for the grade three assessment, the grade four assessment, the grade five assessment, and/or the corresponding APA shall be determined according to the following schedule:

(1) For the grade four assessment administered during the 2002-2003 and 2003-2004 academic years, language arts literacy 68 percent and mathematics 53 percent.

(2) For the grade three assessment and the grade four assessment administered during the 2004-2005, 2005-2006, and 2006-2007 academic years, language arts literacy 75 percent and mathematics 62 percent.

Recodify existing (5)-(6) as (3)-(4) (No change in text.)

ii. Statistically viable subgroups are described in the State of New Jersey Consolidated State Application Accountability Workbook, on the Department's website, at <http://www.nj.gov/njded/grants/nclb/workbook.pdf>.

iii. (No change.)

iv. For statistically viable subgroups of third-, fourth-, and fifth-grade students, and for the total student population, as an alternative to meeting the absolute criteria in (a)1i above, adequate yearly progress may be demonstrated by meeting the following safe harbor criteria:

(1)-(2) (No change.)

v. Proficient and advanced proficient scores from the APA will be included as such in the calculation for a school or school district provided the number of those students who score at the proficient or advanced proficient level in the school district does not exceed 1.0 percent of all students in the grades assessed in language arts literacy and in mathematics. Proficient or advanced proficient APA scores above the 1.0 percent cap shall be included as partially proficient unless the school district has been granted an exception by the Department of Education.

2. A specified increasing percent of the total number of students tested and of each statistically viable subgroup of all sixth-, seventh-, and eighth-grade students tested in a school or school district, except those students who have enrolled after July 1 of the calendar year prior to the test administration, shall have scored at the proficient level, or higher, on the elementary component of the Statewide assessment or the grade eight component of the Statewide assessment and/or the APA, in each of the content areas assessed.

i. The specified increasing percent for the grade six assessment, the grade seven assessment, the grade eight assessment, and/or the corresponding APA shall be determined according to the following schedule:

(1) For the grade eight assessment administered during the 2002-2003 and 2003-2004 academic years, language arts literacy 58 percent and mathematics 39 percent.

(2) For the grade eight assessment administered during the 2004-2005, 2005-2006, and 2006-2007 academic years, language arts literacy 66 percent and mathematics 49 percent.

(3) For the grade six assessment, the grade seven assessment, and the grade eight assessment administered during the 2007-2008, 2008-2009, and 2009-2010 academic years, language arts literacy 76 percent and mathematics 62 percent.

(4) For the grade six assessment, the grade seven assessment, and the grade eight assessment administered during the 2010-2011, 2011-2012, and 2012-2013 academic years, language arts literacy 87 percent and mathematics 79 percent.

ii. Statistically viable subgroups are described in the State of New Jersey Consolidated State Application Accountability Workbook, on the Department's website, at <http://www.nj.gov/njded/grants/nclb/workbook.pdf>.

iii. (No change.)

iv. For statistically viable subgroups of sixth-, seventh-, and eighth-grade students, and for the total student population, as an alternative to meeting the absolute criteria in (a)2i above, adequate yearly progress may be demonstrated by meeting the following safe harbor criteria:



(1)-(2) (No change.)

v. Proficient and advanced proficient scores from the APA will be included as such in the calculation for a school or school district provided the number of those students who score at the proficient or advanced proficient level in the school district does not exceed 1.0 percent of all students in the grades assessed in language arts literacy and in mathematics. Proficient or advanced proficient APA scores above the 1.0 percent cap shall be included as partially proficient unless the school district has been granted an exception by the Department of Education.

3. A specified increasing percent of the total number of students tested and of each statistically viable subgroup of 11th grade students tested in a school or school district as of July 1 of their 11th grade year shall have scored at the proficient level, or higher, in all content areas assessed on the spring administration of the HSPA in their 11th grade year and/or the APA.

i. The specified increasing percent for the HSPA and/or the corresponding APA shall be determined according to the following schedule:

(1)-(4) (No change.)

ii. Statistically viable subgroups are described in the State of New Jersey Consolidated State Application Accountability Workbook, on the Department's website, at <http://www.nj.gov/njded/grants/nclb/workbook.pdf>.

iii. (No change.)

iv. For statistically viable subgroups of 11th grade students, and for the total student population, as an alternative to meeting the absolute criteria in (a)3i above, adequate yearly progress may be demonstrated by meeting the following safe harbor criteria:

(1)-(2) (No change.)

v. Proficient and advanced proficient scores from the APA will be included as such in the calculation for a school or school district provided the number of those students who score at the proficient or advanced proficient level in the school district does not exceed 1.0 percent of all students in the grades assessed in language arts literacy and in mathematics. Proficient or advanced proficient APA scores above the 1.0 percent cap shall be included as partially proficient unless the school district has been granted an exception by the Department of Education.

4. District boards of education with a statistically viable LEP subgroup may choose to count, as LEP, former LEP students for up to two years after they have demonstrated English proficiency and exited the LEP program. District boards of education that choose to count former LEP students as LEP must count all former LEP students who have exited within the past two years.

i. Statistically viable subgroups are described in the State of New Jersey Consolidated State Application Accountability Workbook, on the Department's website, at <http://www.nj.gov/njded/grants/nclb/workbook.pdf>.

(b) The Department of Education, in accordance with N.J.S.A. 18A:7A-10, shall annually review individual school performance on applicable Statewide assessments relative to achieving the Core Curriculum Content Standards according to the criteria specified in (a)1 through 3 above.

1. District boards of education subject to evaluation according to N.J.A.C. 6A:30, other than county special services school districts, educational services commissions, and jointure commissions, shall ensure that each school which does not achieve State standards as determined by performance on applicable Statewide assessments develops and implements a school-level improvement plan including measurable objectives to address deficiencies identified by the assessments and to comply with any correspondent Federal sanctions.

2. District boards of education subject to evaluation according to N.J.A.C. 6A:30, other than county special services school districts, educational services commissions, and jointure commissions, shall ensure that each school which achieves State standards creates measurable school-level objectives that address improvement in any area contained within the Core Curriculum Content Standards.

3. District boards of education subject to evaluation according to N.J.A.C. 6A:30, other than county special services school districts, educational services commissions, and jointure commissions, shall submit all school-level improvement plans and objectives annually to the county superintendents as part of the quality assurance annual report (QAAR) in accordance with N.J.A.C. 6A:30-1.4(a)1.

4. (No change.)

(c) The Department of Education, in accordance with N.J.A.C. 6A:30-2.1, shall evaluate a district board of education subject to evaluation according to N.J.A.C. 6A:30, other than county special services school districts, educational services commissions, and jointure commissions, every seven years. The evaluation will be based, in part, on a district board of education's performance in achieving the proficiency levels of the Core Curriculum Content Standards as measured at each grade level in which Statewide assessments are administered.

1. A district board of education subject to evaluation according to N.J.A.C. 6A:30, other than county special services school districts, educational services commissions, and jointure commissions, may be certified if it meets the applicable criteria in (a)1 through 3 above, developed pursuant to N.J.A.C. 6A:8-4.1(a) and (b).

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

(a) The Department of Education shall report annually to the State Board and the public on the progress of all students and student subgroups in meeting the Core Curriculum Content Standards as measured by the Statewide assessment system by publishing and distributing the Department's annual New Jersey School Report Card in accordance with N.J.S.A. 18A:7E-2 through 5 and the New Jersey Open Public Records Act (P.L. 2001, c.404), N.J.S.A. 47:1A-1 et seq.

(b) The Department of Education, after each test administration, shall report to district boards of education on the performance of all students and on the performance of student subgroups.

(c) The Department of Education shall report performance on the APA with the same frequency and in the same detail as it reports on other Statewide assessments, including school and school district means and the number and percentage of participating students.

(d) (No change.)

### SUBCHAPTER 5. IMPLEMENTATION OF GRADUATION REQUIREMENTS

#### 6A:8-5.1 Graduation requirements

(a) District boards of education shall develop, adopt, and implement requirements for a State-endorsed diploma which include the following:

1. Local high school graduation requirements including one or both of the following two options:

i. Participation in a local program of study of not fewer than 110 credits in courses designed to meet all of the Core Curriculum Content Standards, including, but not limited to, the following credits:

(1)-(6) (No change.)

(7) At least five credits in world languages or student demonstration of proficiency as set forth in ii(4) below effective with the 2004-2005 grade nine class;

(8)-(9) (No change.)

ii. The 110-credit requirement set forth in (a)1i above may be met in whole or in part through program completion as follows:

(1) District boards of education may determine and establish curricular activities or programs aimed at achieving the Core Curriculum Content Standards for promotion and graduation purposes.

(A)-(D) (No change.)

(E) Individual programs based upon specific instructional objectives aimed at meeting or exceeding the Core Curriculum Content Standards shall be on file in the school district and subject to review by the Commissioner or his or her designee;

(2)-(3) (No change.)

(4) District boards of education shall choose from among the following assessment options to determine if students have achieved the level of language proficiency designated as Novice-High as defined by the American Council on the

Teaching of Foreign Languages (ACTFL) and recognized as fulfilling the world languages requirement of the Core Curriculum Content Standards:

- (A) The Language Learning Solutions (LLS) online assessment;
- (B) The ACTFL Oral Proficiency Interview (OPI) or Modified Oral Proficiency Interview (MOPI); or
- (C) Department-approved locally designed competency-based assessments;

2.-4. (No change.)

5. The requirement that all students demonstrate proficiency in all sections of the HSPA or SRA process applicable to the class graduating in the year they meet all other graduation requirements.

6. Starting with those students graduating from an adult high school in the 2004-2005 academic year, students shall demonstrate proficiency in all sections of the HSPA or SRA process for any subjects not yet passed on a previously approved Statewide assessment required for graduation.

(b) (No change.)

(c) District boards of education, through the IEP process and pursuant to N.J.A.C. 6A:14-4.12, Graduation, may, for individual students with disabilities as defined in N.J.A.C. 6A:14-1.3, specify alternate requirements for a State-endorsed diploma.

1.-2. (No change.)

(d)-(e) (No change.)

(f) District boards of education shall provide students who have not demonstrated proficiency on one or more sections of the HSPA following the 11th grade with the opportunity to demonstrate such competence through both repeated administrations of the HSPA and the SRA process.

1. District boards of education shall submit the results of the SRA process to the appropriate county superintendent of schools by March 31 of each year for approval for graduation in June of the same year.

2.-4. (No change.)

## CHAPTER 19 VOCATIONAL-TECHNICAL EDUCATION PROGRAMS AND STANDARDS

### SUBCHAPTER 7. LOCAL APPLICATIONS FOR FUNDS

#### 6A:19-7.1 Application procedures

(a) District boards of education and other eligible agencies or institutions conducting vocational-technical education programs desiring to participate in grant programs shall make application for funds, pursuant to P.L. 105-332, to the New Jersey State Department of Education on forms provided by the Department.

(b) The State Board, in concordance with P.L. 105-332, will include in the State Plan for Vocational Education authorization for the Commissioner to withhold from district boards of education State and Federal funds for activities in any component programs included in N.J.S.A. 18A:54-1 et seq. when the following conditions exist:

1. The program is unapproved;
2. The activities are being implemented in a manner inconsistent with the State Plan for Vocational Education;
3. Students participating in external paid or unpaid structured learning experiences are exploited, illegally employed, or employed under conditions which do not provide for their health and safety; or
4. Teachers are not appropriately certified according to N.J.A.C. 6A:9-13.

(c) The State Board of Education assures that any district board of education and other eligible institution or agency conducting vocational-technical education programs dissatisfied with final action on any applications for funds shall be given reasonable notice and may appeal the decision as set forth in N.J.A.C. 6A:3, Controversies and Disputes.

### SUBCHAPTER 8. VOCATIONAL-TECHNICAL EDUCATION PROGRAM AND COURSE APPROVAL

## 6A:19-8.1 Program approval process

(a) The State Board will adopt a State Plan for Vocational Education pursuant to P.L. 105-332.

(b) The State Board will include in the State Plan for Vocational Education, in concordance with P.L. 105-332, authorization for the Commissioner to establish a program-approval system for aligning vocational-technical education programs with N.J.A.C. 6A:8-2, The Core Curriculum Content Standards, and the educational delivery systems from grade nine through grade 12 at the local, county, regional, and State levels. Program approval is required for vocational-technical education programs offered by school districts with approved vocational schools, comprehensive high schools, county vocational schools, and other agencies offering secondary or non-collegiate postsecondary programs. The program-approval system shall include the following:

1. District boards of education shall identify the need for vocational-technical education programs of instruction through identification of the latest labor-market demand data, the results of employer surveys, and the use of an advisory committee to plan for and operate the program;
2. District boards of education seeking to establish any new vocational-technical education programs shall request recommendations from the appropriate Workforce Investment Board (WIB) to minimize duplication of programs and to foster a unified delivery system;
3. District boards of education, upon verification of the local need to offer a vocational-technical education program and recommendation of the WIB, shall submit a completed Vocational-Technical Education Program Approval Request to the Department of Education. The Program Approval Request will include the following: program title; occupational objective of the program; documentation of the need for the program; program advisory committee; admission requirements; program structure; instructional staff plans; enrollment projections; curriculum outline; participation in vocational student organizations; facilities and equipment required; program costs; career guidance and counseling provisions; linkage programs involved; participation of special populations; evaluation; and impact on institutional capacity;
4. The Commissioner shall approve or disapprove the district board of education's request to offer a vocational-technical education program. Approval or disapproval will be based on the completeness of the application and the inclusion of data which support the establishment of the program;
5. The Commissioner, in approving programs with a regional or State designation, shall establish the criteria for admitting students from outside the school district and/or county. The admission requirements will include at least minimum academic and occupational competencies, based on the Core Curriculum Content Standards and an industry-verified competency list; and
6. District boards of education dissatisfied with the decision on the request for a vocational-technical education program approval may appeal the decision as set forth in N.J.A.C. 6A:3, Controversies and Disputes.

Recodify existing (b)-(c) as (c)-(d) (No change in text.)

# EXHIBIT P



NEW JERSEY REGISTER

ISSUE: VOLUME 37, NUMBER 6

ISSUE DATE: March 21, 2005

**SUBJECT: RULE PROPOSALS**

**AGENCY: EDUCATION  
STATE BOARD OF EDUCATION**

*37 N.J.R. 833(a)*

**Proposed Readoption with Amendments: *N.J.A.C. 6A:8***

**Proposed Amendments: *N.J.A.C. 6A:19-7.1 and 8.1***

Proposal Number: PRN 2005-97.

**Standards and Assessment and Vocational-Technical Education Programs and Standards**

Authorized By: State Board of Education, William L. Librera, Commissioner, Department of Education and Secretary, State Board of Education.

Authority: *N.J.S.A. 18A:7A-4* through 14, 18A:7C, 18A:7E-2 through 5, 18A:35-4.2, 18A:35-4.7, 18A:59-5 and 18A:7F-4, 4.1 and 4.2.

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

Submit written comments by April 20, 2005 to:

Richard Ten Eyck  
Assistant Commissioner  
Division of Educational Programs and Assessment  
New Jersey Department of Education  
River View Executive Plaza  
Building 100, PO Box 500  
Trenton, New Jersey 08625-0500

The agency proposal follows:

**Summary**

The Department of Education is proposing to readopt *N.J.A.C. 6A:8*, Standards and Assessment, with amendments. This chapter, which implements the Core Curriculum Content Standards and the Statewide assessment system, is scheduled to expire October 28, 2005, pursuant to *N.J.S.A. 52:14B-5.1c*. As part of this process, the Department is proposing to consolidate into *N.J.A.C. 6A:19*, Vocational-Technical Education Programs and Standards, the provisions at *N.J.A.C. 6A:8-2.2* that govern the approval process for vocational-technical education programs and the conditions for receiving Federal funds pursuant to P.L. 105-332. This will require the relocation of most of *N.J.A.C. 6A:8-2.2*, Authority for the State Plan for Vocational Education, with additional amendments at *N.J.A.C. 6A:19*.

The Standards and Assessment for student achievement rules were originally adopted in May 2000 and amended in April 2001, May 2001, October, 2002, October 2003, and January 2004. The rules established the Core Curriculum Content Standards as the basis for curriculum, instruction, and assessment for all public school students in New Jersey. The rules also delineated criteria for determining the success of schools, school districts, and charter schools as part of an annual review and evaluation process. The Standards and Assessment for student achievement rules played a major role in executing the State Board of Education's original Strategic Plan for Systemic Improvement of Education in New Jersey; and, with the Core Curriculum Content Standards now implemented, those rules continue to support the State Board of Education's 2003-2008 Strategic Plan for Improvement in Public Education in the State of New Jersey. Previously adopted amendments have aligned New Jersey's assessment and accountability systems with Federal requirements included in Title I of the Elementary and Secondary Education Act (ESEA, 20 U.S.C. §§ 6301 et seq.), as amended by the No Child Left Behind Act, signed by the President on January 8, 2002 (P.L. 107-110). The amendments have also brought New Jersey's assessment and accountability systems into compliance with Federal requirements included in the Individuals with Disabilities Education Act (IDEA, 20 U.S.C. § 1412(a)(16)), which requires that each state establish goals for the performance of children with disabilities that are consistent with those established for all children. New rules at *N.J.A.C. 6A:8-2.3* and *3.4* have facilitated the establishment early childhood education programs in further support of the State Board of Education's Strategic Plan.

New Jersey's Core Curriculum Content Standards provide district boards of education, parents, students, and other citizens with a clear educational destination. Defined in terms of knowledge and skills, this destination means that public-school graduates will be better prepared for higher education, advanced occupational preparation, or initial employment that leads to further skill development. It also means that graduates will be better prepared to assume their full adult responsibilities as citizens.

The proposed amendments will incorporate the most recent revisions to the Core Curriculum Content Standards and continue the process of bringing New Jersey's standards-based assessment and accountability systems into compliance with Federal education requirements included in the 2002 reauthorization of ESEA (P.L. 107-110) and in IDEA (20 U.S.C. § 1412).

The following summary provides a brief overview of Chapter 8 and identifies the proposed amendments at *N.J.A.C. 6A:8* and *6A:19*:

## ***N.J.A.C. 6A:8 Standards and Assessment***

### ***N.J.A.C. 6A:8-1 General Provisions***

This subchapter provides the purpose and scope of the chapter and identifies the parties to whom the rules apply.

#### ***N.J.A.C. 6A:8-1.1 Purpose***

This section emphasizes that the Core Curriculum Content Standards will drive curriculum, instruction, and assessment for all students in New Jersey.

The proposed amendments at *N.J.A.C. 6A:8-1.1(a)1* replace the references to "Cross-Content Workplace Readiness Standards," from the 1996 standards, with references to "technological literacy," and "career education and consumer, family, and life skills" from the newly revised Core Curriculum Content Standards.

#### ***N.J.A.C. 6A:8-1.2 Scope***

This section states that the provisions of the chapter apply to all students enrolled in publicly funded elementary, secondary, and adult high school education programs in New Jersey, including charter schools. The term "district boards of education," as defined in and used throughout the chapter, is used to refer to all providers of publicly funded elementary, secondary, and adult high school education programs.

The proposed amendments at *N.J.A.C. 6A:8-1.2(b)* remove the redundant "State facilities" and "organizations." The term "public college-operated programs" is proposed to be added for consistency with the amended definition of "district boards of education."

The proposed amendments at *N.J.A.C. 6A:8-1.2(d)* replace "benchmark grade levels four, eight, and 11-12" with "grade levels three through eight and 11-12" and clarify that students with disabilities who are ungraded would be as-

essed at "equivalent ages," which for the Alternate Proficiency Assessment (APA) would be ages nine through 14, and 18.

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

Proposed amendments at *N.J.A.C. 6A:8-1.3* clarify the following definitions:

The term "ACTFL," meaning the American Council on the Teaching of Foreign Languages, is proposed to be added.

The definition of "APA," meaning the Alternate Proficiency Assessment, is proposed to be amended by replacing the "GEPA" with the more generic "grade eight component of the Statewide assessment" for consistency with the amended *N.J.A.C. 6A:8-4.1(c)* and *4.4(a)2* as described below and to allow for possible future assimilation of the grade eight assessment into the New Jersey Assessment of Skills and Knowledge (NJ ASK) nomenclature.

The definition of "apprentice" is proposed to be deleted, as the rules which contained this term are being deleted.

The term "career awareness and exploration" is proposed to be expanded to include "preparation." The definition of the resulting "career awareness, exploration, and preparation" is proposed to be amended to require that such programs "develop foundational knowledge necessary for success in the workplace." An amendment is proposed to replace the terms "work and/or" with "careers, including." An additional amendment is proposed to add "or training and employment" after "education."

The definition of "chief school administrator" is proposed to be amended to clarify "district" as "school district."

The definition of "Core Curriculum Content Standards" is proposed to be amended by removing the PTM number of the original 1996 document from the definition.

The definition of "Cross-Content Workplace Readiness Standards" is proposed to be deleted, as this term is no longer used in the newly revised Core Curriculum Content Standards.

The definition of "curriculum frameworks" is proposed to be expanded to include not only documents published by the Department of Education in hard copy, but those released in electronic format.

The definition of "district boards of education" is proposed to be amended by deleting the redundant "State facilities" and "organizations" and including "public college-operated programs."

The term "ECPA," meaning Early Childhood Program Aid, is proposed to be added. Early Childhood Program Aid, pursuant to *N.J.S.A. 18A:7F-16*, is distributed to all school districts with high concentrations of low-income students for the purpose of providing full-day kindergarten and preschool classes and other early childhood programs and services.

The term "English Language Proficiency Standards," meaning the most recent alignment of New Jersey's ESL standards to the "ESL Standards for Pre-K through 12 Students" pursuant to *N.J.A.C. 6A:15-1.4(c)1*, is proposed to be added.

The term "ESL," meaning English as a second language, is proposed to be added.

The definition of "ESPA" is proposed to be deleted, as the Elementary School Proficiency Assessment has been replaced.

The definition of "504 student" is proposed to be amended to delete the reference to *29 U.S.C. § 794*, and *34 CFR § 104.3(a)*, (c) and (d). An amendment is also proposed to include the word "student" in place of "person" before "who." The current expression "one or more major life activities" is proposed for deletion and is replaced with "a major life function." The current language, specifying "a record of such an impairment, or is regarded as having such an impairment," is proposed for deletion and is replaced with "been determined eligible for services, including accommodations and modifications by the school district's 504 team; and has a 504 plan."

The definition of "GEPA" is proposed to be deleted, as the Grade Eight Proficiency Assessment (GEPA) is being replaced with the more generic "grade eight assessment component" to allow for possible future assimilation of the grade eight assessment into the NJ ASK nomenclature.



The definition of "gifted and talented students" is proposed to be amended by removing the redundant "exceptionally able." Also, a technical amendment is proposed within the definition to clarify "local district" as "local school district" for consistency with other chapters of Title 6A of the Administrative Code.

The definition of "HSPT" is proposed to be deleted, as the High School Proficiency Test has been replaced by the High School Proficiency Assessment (HSPA).

The definition of "IEP Team" is proposed to be amended, for consistency with the Special Education Rules at *N.J.A.C. 6A:14-1.3*, to mean the group of individuals who are responsible for the development, review, and revision of (rather than required to attend the meeting to develop) the student's Individualized Education Program.

The term "LLS" meaning "the Language Learning Solutions online proficiency-based assessment for world languages," is proposed to be added.

The definition of "magnet program" is proposed to be amended to mean "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." The term "distinctive" is added before program. An amendment is proposed to capitalize "attract" and move the word to the beginning of paragraph 1. An amendment is also proposed at paragraph 1 to include the requirement that the specialized curriculum be "based on a special theme or method of instruction." A new provision is proposed at paragraph 2 requiring that such programs "Substantially strengthen the knowledge of academic subjects and the attainment of tangible and marketable vocational, technological, and professional skills of students attending the program." This amended definition would be consistent with the Federal language in the amended Magnet Schools Assistance Program (MSAP) regulations (34 CFR Part 280) which became effective on March 3, 2004.

The term "MOPI," meaning "the ACTFL Modified Oral Proficiency Interview, which is a standardized assessment of functional speaking ability often used to test the lower proficiency ranges," is proposed to be added.

The definition of "National Skill Standards Board" is proposed to be deleted, as the National Skill Standards Board no longer exists.

The term "OPI," meaning "the ACTFL Oral Proficiency Interview, which is a standardized assessment of functional speaking ability currently available in 37 different world languages," is proposed to be added.

The definition of "performance assessment" is proposed to be amended to clarify that it means "observing and evaluating" demonstrations of what students know and can do. The examples of such demonstrations are amended to delete "open-ended or constructed response questions" and add "performance tasks," and to change "reports of laboratory or work-based experiences" to "laboratory reports, and structured learning experiences."

The definition of "structured learning experience" is proposed to be amended, for consistency with the current Vocational-Technical Education Programs and Standards rules at *N.J.A.C. 6A:19-1.2*, to include the terms "experiential" and "educational" to describe the types of activities. The amendment deletes specific references to "co-curricular or extra-curricular activities," "school-based enterprises," "apprenticeship programs," and "community service within disciplines." An amendment adds a requirement specifying that the activities are "designed to provide students with exposure to the requirements and responsibilities of specific job titles or job groups, and to assist them in gaining employment skills and making career and educational decisions." An additional provision at *N.J.A.C. 6A:19-1.2* further specifies that, "All structured learning experiences must adhere to applicable State and Federal child labor laws and other rules of the State Departments of Education and Labor."

The term "vocational-technical education program," meaning "a sequence of academic and vocational courses designed to provide students with the industry-based skills and knowledge needed to gain employment in a particular occupation or career area or to pursue further education at the post-secondary level," is proposed to be added for consistency with the Vocational-Technical Education Programs and Standards Rules at *N.J.A.C. 6A:19-1.2*.

#### **N.J.A.C. 6A:8-2 The Core Curriculum Content Standards**

This subchapter mandates the Core Curriculum Content Standards. It includes the authority for establishing State educational goals and standards; it ties the development of the State Plan for Vocational Education to the Core Curriculum Content Standards; and it includes the authority for requiring early childhood education programs.

***N.J.A.C. 6A:8-2.1 Authority for educational goals and standards***

This section identifies the State Board of Education's responsibility for establishing State educational goals and standards. It includes by reference the Core Curriculum Content Standards as originally adopted by the State Board of Education in 1996 and revised in 2002 and 2004.

The proposed amendments at *N.J.A.C. 6A:8-2.1(a)1* document the revisions to the Core Curriculum Content Standards in language arts literacy, mathematics, and science as adopted by the State Board in July 2002.

*N.J.A.C. 6A:8-2.1(a)2* is proposed to be deleted, as the comprehensive nature of the new revised and expanded Core Curriculum Content Standards has eliminated the need for a separate set of standards for students with severe disabilities.

The proposed new paragraph at *N.J.A.C. 6A:8-2.1(a)2* documents the revisions to the Core Curriculum Content Standards in language arts literacy, visual and performing arts, comprehensive health and physical education, world languages, technological literacy, and career education and consumer, family, and life skills as adopted by the State Board in April 2004.

The proposed amendments at *N.J.A.C. 6A:8-2.1(a)3* document the revisions to the Early Childhood Education Program Expectations: Standards of Quality, renamed Preschool Teaching and Learning Expectations: Standards of Quality, as adopted by the State Board in July 2004.

The proposed new paragraph at *N.J.A.C. 6A:8-2.1(a)4* documents the revisions to the Core Curriculum Content Standards in social studies as adopted by the State Board in October 2004.

The current *N.J.A.C. 6A:8-2.1(a)4* is proposed for amendment and recodification as *N.J.A.C. 6A:8-2.1(a)5*. The proposed amendments establish the year 2008 for initiating the next review and revision of the Core Curriculum Content Standards and the Preschool Teaching and Learning Expectations: Standards of Quality. The amendments also remove the obsolete reference to the separate Core Curriculum Content Standards for Students with Severe Disabilities. The comprehensive nature of the new revised and expanded Core Curriculum Content Standards eliminates the need for a separate set of standards for students with severe disabilities.

***N.J.A.C. 6A:8-2.2 Authority for the State Plan for Vocational Education***

This section designates the State Board as the legally constituted State Board for Vocational Education, having responsibility for adopting a State Plan for Vocational Education. It ties the development of the State Plan for Vocational Education to the Core Curriculum Content Standards.

The current introductory paragraph to *N.J.A.C. 6A:8-2.2(b)* is proposed to be deleted from this chapter and relocated at *N.J.A.C. 6A:19-8, Vocational-Technical Education Program and Course Approval*.

The current *N.J.A.C. 6A:8-2.2(b)1* is proposed for amendment and recodification as *N.J.A.C. 6A:8-2.2(b)*. The proposed amendment replaces the reference to "Cross-Content Workplace Readiness Standards," from the 1996 standards, with references to "technological literacy," and "career education and consumer, family, and life skills" from the newly revised Core Curriculum Content Standards.

*N.J.A.C. 6A:8-2.2(b)2* is proposed to be deleted, as the content duplicates the content of the proposed revision to the Vocational-Technical Education Programs and Standards Rules at *N.J.A.C. 6A:19-7.1(a)*.

The current *N.J.A.C. 6A:8-2.2(b)3* and 4 are proposed to be deleted from this chapter and relocated at *N.J.A.C. 6A:19-7, Local Applications for Funds*.

The current *N.J.A.C. 6A:8-2.2(b)5* is proposed to be deleted from this chapter and relocated with amendments at *N.J.A.C. 6A:19-8, Vocational-Technical Education Program and Course Approval*.

***N.J.A.C. 6A:8-2.3 Authority for the registration and related classroom instruction of apprenticeship programs.***

This section required that the Department administer the registration of apprentice programs.

*N.J.A.C. 6A:8-2.3* is proposed to be repealed, as the Department of Labor and Workforce Development is now the recognized State agency responsible for the administration of apprentice programs.

***N.J.A.C. 6A:8-2.4 Authority for requirement to establish early childhood education programs.***

Pursuant to *N.J.S.A. 18A:7F-16*, this section requires district boards of education, except Abbott districts pursuant to *N.J.A.C. 6A:24-3.1-3.3*, with high concentrations of low-income students to establish and maintain preschool and full-day kindergarten for all four- and five-year-olds.

The current *N.J.A.C. 6A:8-2.4* is proposed for amendment and recodification as *N.J.A.C. 6A:8-2.3*. The proposed amendments to the current *N.J.A.C. 6A:8-2.4(a)* delete the reference to the 2001-2002 school year, since that starting date has already passed, and amend the regulatory citation.

The proposed new *N.J.A.C. 6A:8-2.3(b)* requires district boards of education to not admit non-resident three- or four-year-old children to ECPA funded preschool programs within any non-Abbott ECPA district.

***N.J.A.C. 6A:8-3 Implementation of the Core Curriculum Content Standards***

This subchapter primarily describes the district board of education's role in delivering kindergarten through grade 12 instruction so that students will be able to achieve the Core Curriculum Content Standards. It also reaches beyond that grade range to include requirements for early childhood education programs and enrollment in college courses by high school students.

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

This section describes the district board of education's responsibility for the design and delivery of curriculum and instruction needed to address the Core Curriculum Content Standards.

The section includes, among district responsibilities, the adaptation of instruction to provide meaningful educational experiences for students with disabilities. It also includes the responsibility for providing appropriate challenges for gifted and talented students so that the raised expectations for all students do not result in lowered expectations for some. The section also describes the Department's role in supporting school district activities.

The proposed amendment at *N.J.A.C. 6A:8-3.1(a)1* clarifies "districts" as "district boards of education."

The proposed amendments at *N.J.A.C. 6A:8-3.1(a)5i* require district boards of education to make provisions for an ongoing K-12 identification process for gifted and talented students that includes multiple measures. The requirement to use multiple measures is based on the recommendation of the Commission on Programs for Gifted Students.

The proposed new *N.J.A.C. 6A:8-3.1(a)5ii* requires district boards of education to provide appropriate K-12 educational services for gifted and talented students.

The current *N.J.A.C. 6A:8-3.1(a)5ii* is proposed to be recodified as *N.J.A.C. 6A:8-3.1(a)5iii*.

The proposed new *N.J.A.C. 6A:8-3.1(a)5iv* requires district boards of education to take into consideration the Pre-K-Grade 12 Gifted Program Standards of the National Association for Gifted Children in developing programs for gifted and talented students.

The proposed amendments at *N.J.A.C. 6A:8-3.1(a)6* include school leaders in the requirement that district boards of education actively assist and support professional development. The proposed amendments also delete the redundant "and/or inservice," as inservice is a subset of professional development, and replace the obsolete reference to *N.J.A.C. 6A:9-15.1* with the reference to *N.J.A.C. 6A:9-15.1* and *16.1*.

The proposed new *N.J.A.C. 6A:8-3.1(a)7* requires district boards of education to develop English language assistance programs for limited English proficient students that are aligned to the Core Curriculum Content Standards and the English Language Proficiency Standards. The Office of Specialized Populations has recently revised the English Language Proficiency Standards in accordance with the No Child Left Behind Act. District boards of education that offer language assistance programs must align their ESL curricula to these standards.

The proposed amendment at *N.J.A.C. 6A:8-3.1(b)* replaces "occupational/technical programs" with "vocational-technical education programs," for consistency with the terminology of the Vocational-Technical Education Programs and Standards rules at *N.J.A.C. 6A:19*.

***N.J.A.C. 6A:8-3.2 Career education and counseling***

This section provides for the development and implementation of a comprehensive guidance and counseling system to facilitate career awareness and exploration in fulfillment of the Core Curriculum Content Standards.

It is proposed that the heading of *N.J.A.C. 6A:8-3.2*, now "Career awareness and exploration," be changed to "Career education and counseling" to more accurately reflect the contents of the subchapter.

The proposed amendments at *N.J.A.C. 6A:8-3.2(a)* clarify the components of career education as "career awareness, exploration, and preparation." This is reflected in the proposed amendments to the definition at *N.J.A.C. 6A:8-1.3*. Additional proposed amendments replace "counseling system" with "academic counseling program," for consistency with the proposed language in the current *N.J.A.C. 6A:8-3.2(a)2*, proposed for recodification as *N.J.A.C. 6A:8-3.2(a)1*.

It is proposed that *N.J.A.C. 6A:8-3.2(a)1* be deleted, as it refers to the obsolete cross-content workplace readiness standards and is otherwise redundant given the intent of *N.J.A.C. 6A:8-3.1(a)1*.

The current *N.J.A.C. 6A:8-3.2(a)2* is proposed for amendment and recodification as *N.J.A.C. 6A:8-3.2(a)1*. The proposed amendment at paragraph (a)1 adds the term "comprehensive" before career guidance, deletes "career awareness," and adds "academic counseling." The new designation as "comprehensive," is linked to the proposed inclusion of "academic counseling" along with the previously specified career guidance. The proposed amendment at subparagraph (a)1iii adds "the National Career Development Guidelines and" before the Career Development Standards.

The proposed amendment at *N.J.A.C. 6A:8-3.2(a)1iii* adds the National Career Development Guidelines as a resource, for consistency with the guidance provided by the revised Core Curriculum Content Standards document, in the introduction to the career education and consumer, family, and life skills standards.

The current *N.J.A.C. 6A:8-3.2(a)3* is proposed for amendment and recodification as *N.J.A.C. 6A:8-3.2(a)2*. The proposed amendment includes academic counseling along with career guidance for consistency with the current rule at *N.J.A.C. 6A:8-3.2(a)2*, proposed to be recodified as *N.J.A.C. 6A:8-3.2(a)1*.

The proposed amendments at *N.J.A.C. 6A:8-3.2(a)2i* through *iv* clarify the language in the delineation of what a district board of education's guidance and counseling system must be designed to do and ensure consistency with the language in the Vocational-Technical Education Programs and Standards Rules at *N.J.A.C. 6A:19*. The amendment proposed at *N.J.A.C. 6A:8-3.2(a)2i* replaces "occupational" choices with "career" choices. The amendment proposed at *N.J.A.C. 6A:8-3.2(a)2ii* specifies support for students' academic attainment, career development, and personal/social development. The amendment proposed at *N.J.A.C. 6A:8-3.2(a)2iii* specifies development of students' understanding of the relationships among academic attainment, career development, and personal/social development. The amendment proposed at *N.J.A.C. 6A:8-3.2(a)2iv* replaces the reference to the Cross-Content Workplace Readiness Standards with encouragement for students to create and maintain portfolios consisting of student accomplishments including academic and career-oriented work samples that reflect achievement of the Core Curriculum Content Standards. It is proposed that *N.J.A.C. 6A:8-3.2(a)2v* be deleted, as it duplicates the requirement in *N.J.A.C. 6A:8-3.2(a)2iii*.

The current *N.J.A.C. 6A:8-3.2(a)4* is proposed for amendment and recodification as *N.J.A.C. 6A:8-3.2(a)3*. The proposed amendments replace "transitional services" with "transition services," for consistency with the Special Education rule at *N.J.A.C. 6A:14-1.3*, and clarify that academic counseling is to be provided along with career guidance for students with disabilities for consistency with the proposed *N.J.A.C. 6A:8-3.2(a)2*, proposed to be recodified as *N.J.A.C. 6A:8-3.2(a)1*.

The proposed new *N.J.A.C. 6A:8-3.2(b)1* requires that as part of the development and implementation of curriculum and instruction, district boards of education "include the integration of technological literacy, consistent with the Core Curriculum Content Standards." This is consistent with the graduation requirement in *N.J.A.C. 6A:8-5.1(a)1i(8)*.

The current *N.J.A.C. 6A:8-3.2(b)1* and *2* are proposed to be recodified as *N.J.A.C. 6A:8-3.2(b)2* and *3*.

The proposed amendment at *N.J.A.C. 6A:8-3.2(c)* replaces career "exploration" with career "development activities," for consistency with the Vocational-Technical Education Programs and Standards Rules at *N.J.A.C. 6A:19*.

The proposed amendment at *N.J.A.C. 6A:8-3.2(c)1* expands the applicability of the requirement, by replacing "high school" students with "all" students, and replaces "clustered disciplines" with "Career Clusters identified in the Vocational-Technical Education Programs and Standards Rules at *N.J.A.C. 6A:19*." It is proposed that the list of clustered disciplines in *N.J.A.C. 6A:8-3.2(c)1i* through *iv* be deleted.

The proposed amendments at *N.J.A.C. 6A:8-3.2(c)2* replace career "exploration" activities with career "development" activities, for consistency with the Vocational-Technical Education Programs and Standards Rules at *N.J.A.C. 6A:19*, and clarify "districts" as "district boards of education," for consistency with other chapters of Title 6A of the Administrative Code.

The proposed amendment at *N.J.A.C. 6A:8-3.2(c)3* clarifies "districts" as "district boards of education," for consistency with other chapters of Title 6A of the Administrative Code.

The proposed amendment at *N.J.A.C. 6A:8-3.2(d)* and replaces "experience career exploration" with "explore career interests." Also, a technical amendment is proposed within the definition to add the word "the" before "Core Curriculum Content Standards."

The proposed amendments at *N.J.A.C. 6A:8-3.2(d)1* clarify the wording and delete the reference to the obsolete cross-content workplace readiness standards.

The proposed amendments at *N.J.A.C. 6A:8-3.2(d)2ii* describe structured learning experiences that are "external experiences" as taking place at a work site or in the community in accordance with the Vocational-Technical Education Programs and Standards Rules at *N.J.A.C. 6A:19-6.4*.

The proposed amendment at *N.J.A.C. 6A:8-3.2(d)3* specifies that the subsequent requirements apply not only to "paid" external structured learning experiences, but also to "unpaid" external structured learning experiences.

The proposed amendment at *N.J.A.C. 6A:8-3.2(d)3i* replaces the obsolete reference to requirements for cooperative education in *N.J.A.C. 6:43* with the more current requirements "identified in the Professional Licensure And Standards Rules at *N.J.A.C. 6A:9-13.19* through *13.22*."

#### ***N.J.A.C. 6A:8-3.3 Enrollment in college courses***

This section provides for the continuity of education from secondary through postsecondary by offering high school students the opportunity to take college courses as part of their educational program.

The proposed amendment at *N.J.A.C. 6A:8-3.3(a)* deletes the requirement that district boards of education make reasonable efforts to "develop articulation agreements with New Jersey colleges and universities to facilitate the delivery of college credit courses to qualified high school students" and adds the requirement that district boards of education make reasonable efforts to "increase the availability of college-level instruction for high school students through courses offered by institutions of higher education at their campuses and in high schools." This language is consistent with the language in *N.J.S.A. 18A:61C-1*. An amendment is also proposed to add the clarifying words, "pursuant to *N.J.S.A. 18A:61C-8*." It is also proposed that the current rules at *N.J.A.C. 6A:8-3.3(a)1* and 2 be deleted.

The proposed amendments at *N.J.A.C. 6A:8-3.3(c)1* require that college courses offered to high school students are "equivalent" to those offered to regularly admitted college students.

#### ***N.J.A.C. 6A:8-3.4 Requirements for early childhood education programs***

This section describes the program and fiscal requirements for Early Childhood Program Aid (ECPA).

The proposed amendment at *N.J.A.C. 6A:8-3.4(a)* clarifies that "ECPA" means Early Childhood Program Aid.

The proposed technical amendment at *N.J.A.C. 6A:8-3.4(a)1* amends the regulatory citation.

The proposed new *N.J.A.C. 6A:8-3.4(a)2* requires district boards of education to "serve at least 75 percent of the universe of four-year-old children prior to any application of ECPA funds to first through third grades." Overall, the non-Abbott ECPA districts are currently serving 57 percent of the eligible universe of four year olds. Between school districts, there is a wide range (21 percent to 100 percent) in the percent of four-year-olds served. *N.J.S.A. 18A:7F-16* clearly intended that a higher percentage be served.

The proposed new *N.J.A.C. 6A:8-3.4(a)3* requires district boards of education to "serve all enrolled four-year-old children in a full day program prior to any application of ECPA funding to first through third grades." The fact that district boards of education can currently use funding dollars elsewhere is a disincentive for finding and serving the maximum number of four-year-olds. The original statute, *N.J.S.A. 18A:7F-16* of December 20, 1996, and amended by P.L. 2000, c.147, § 2, allowed funding to be used in areas outside of early childhood only for the first four years following enactment of the act.

The proposed amendment at *N.J.A.C. 6A:8-3.4(b)* clarifies "district's" as "school district's," for consistency with other chapters of Title 6A of the Administrative Code.

The technical amendment proposed at *N.J.A.C. 6A:8-3.4(c)1* replaces "District wide" with "District-wide."

The proposed new *N.J.A.C. 6A:8-3.4(c)5*, in order to comply with Federal requirements in IDEA 20 U.S.C. § 1412(a)(5), requires district boards of education to include in their operational plans for Early Childhood Program Aid "inclusion of children with disabilities in general education classrooms to the maximum extent possible."

The current *N.J.A.C. 6A:8-3.4(c)5* is proposed to be recodified as *N.J.A.C. 6A:8-3.4(c)6*.

The proposed new *N.J.A.C. 6A:8-3.4(e)1* requires district boards of education, commencing July 1, 2008, to maintain "preschool classroom enrollments of no more than 18 children with one certified teacher and one aide." Research, such as that reported by the National Research Council Committee on Early Childhood Pedagogy (2000), indicates that smaller classroom size of no more than 15 to 18 children is a cornerstone of early childhood classroom effectiveness, particularly when the population is weighted toward disadvantaged economic background.

The current *N.J.A.C. 6A:8-3.4(e)2* is proposed for amendment and recodification as *N.J.A.C. 6A:8-3.4(e)3*. The proposed amendment replaces the original document title, Early Childhood Education Program Expectations: Standards of Quality, with the title of the revised document, Preschool Teaching and Learning Expectations: Standards of Quality, and incorporates the link with the Core Curriculum Content Standards.

The proposed new *N.J.A.C. 6A:8-3.4(e)4* requires district boards of education to ensure that an early childhood education program "includes transition activities, programs, and services between preschool programs and kindergarten programs." Effective transition is key to sustaining the social, emotional and cognitive gains made in early childhood programs.

The current *N.J.A.C. 6A:8-3.4(e)3* and 4 are proposed to be recodified as *N.J.A.C. 6A:8-3.4(e)5* and 6.

The proposed amendment at *N.J.A.C. 6A:8-3.4(f)* adds the word "assessment" before "measures" for clarity. The Department proposes to delete the last sentence, as it is a restatement of the current *N.J.A.C. 6A:8-3.4(e)2*, proposed to be recodified as *N.J.A.C. 6A:8-3.4(e)3*.

The proposed amendment at *N.J.A.C. 6A:8-3.4(h)* clarifies that the professional development described by district boards of education within their annual operational plans must be "specific to early childhood education" and must be provided "for all early childhood education administrators, teachers, and teacher assistants."

The proposed amendment at *N.J.A.C. 6A:8-3.4(i)* deletes the obsolete reference to N.J.A.C. 6:11-3.1.

#### **N.J.A.C. 6A:8-4 Implementation of the Statewide Assessment System**

This subchapter describes the way in which achievement of the Core Curriculum Content Standards by all students is measured through a Statewide system of assessment, in support of the assessment objectives delineated in the State Board of Education's Strategic Plan for Improvement in Public Education in the State of New Jersey.

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

This section establishes a Statewide assessment system linked to the Core Curriculum Content Standards.

The proposed amendment at *N.J.A.C. 6A:8-4.1(a)* specifies that the reporting of assessment results will be in accordance with the New Jersey Open Public Records Act (P.L. 2001, c.404), *N.J.S.A. 47:1A-1* et seq.

The proposed amendment at *N.J.A.C. 6A:8-4.1(c)* replaces the "Grade Eight Proficiency Assessment (GEPA)" with the more generic "grade eight assessment component" to allow for possible future assimilation of the grade eight assessment into the NJ ASK nomenclature.

The proposed amendments at *N.J.A.C. 6A:8-4.1(c)1* and 3 specify new implementation time lines for Statewide assessments in language arts literacy, mathematics, and science, extending beyond the time lines delineated in the current rules; they also establish the continued administration of those assessments to comply with the Federal requirements in the 2002 reauthorization of ESEA (P.L. 107-110). The proposed amendments anticipate field-test administrations of the NJ ASK 5, 6, and 7 in language arts literacy and mathematics in the Spring of 2006, with the first operational NJ ASK 5, 6, and 7 to be administered in the Spring of 2007.

The proposed amendment at *N.J.A.C. 6A:8-4.1(c)2* replaces the "GEPA" with the more generic "grade eight" component of the Statewide assessment for consistency with the amended *N.J.A.C. 6A:8-4.1(c)* as described above and to allow for possible future assimilation of the grade eight assessment into the NJ ASK nomenclature.

The proposed amendment at *N.J.A.C. 6A:8-4.1(d)* replaces "11 through 12" with "11-12," for consistency of terminology with the amended *N.J.A.C. 6A:8-1.2(d)*.

The Department proposes to delete *N.J.A.C. 6A:8-4.1(d)1i*, as administration of the Special Review Assessment (SRA) utilizes results from the student's previous taking of the HSPA and therefore the district board of education option of administering the native-language SRA in lieu of the HSPA to LEP juniors has not been used. District boards of education will continue to have the option of administering the native-language SRA to LEP seniors, as provided by *N.J.A.C. 6A:8-4.1(d)1ii*, proposed to be recodified as *N.J.A.C. 6A:8-4.1(d)1i*.

The proposed new *N.J.A.C. 6A:8-4.1(d)1ii* gives district boards of education the option of substituting a Department-approved language proficiency test for the language arts literacy section of the elementary component of the Statewide assessment or the grade eight component of the Statewide assessment, for LEP students who have entered the U.S. after July 1 of the calendar year prior to the test administration. Such students will still be required to take the mathematics portion of the appropriate Statewide assessment. This option will only apply to assessments given in grades three through eight; it does not apply to the HSPA. This subparagraph will codify the guidance issued by the US DOE in February, 2004, which allows greater flexibility in how states determine participation for LEP students under the No Child Left Behind Act. The proposed amendment is also consistent with revisions to the State of New Jersey's Consolidated State Application Accountability Workbook, recently approved by the U.S. Department of Education.

The Department proposes to delete at *N.J.A.C. 6A:8-4.1(d)3* the reference to the 2001-2002 academic year, since that starting date has already passed.

The proposed amendment at *N.J.A.C. 6A:8-4.1(d)3ii* replaces "will measure" with "measures." The proposed amendment also ensures consistency with the Special Education rules at *N.J.A.C. 6A:14-4.11* by replacing "with severe disabilities toward achieving the Core Curriculum Content Standards" with "who have been determined eligible for the APA by the IEP team in accordance with *N.J.A.C. 6A:14-4.11*."

#### ***N.J.A.C. 6A:8-4.2* Documentation of student achievement**

This section describes the required content of student transcripts and requires that district boards of education maintain accurate student records, including performance on the Statewide assessments.

The proposed amendments at *N.J.A.C. 6A:8-4.2(a)3* clarify "district" as "school district," for consistency with other chapters of Title 6A of the Administrative Code.

The Department proposes to amend *N.J.A.C. 6A:8-4.2(d)* to remove obsolete implementation dates and the obsolete reference to *N.J.A.C. 6:3-6*.

The Department proposes to delete *N.J.A.C. 6A:8-4.2(d)3*, "other evidence of student achievement," and recodify subsequent paragraphs. Other evidence is adequately covered by *N.J.A.C. 6A:8-4.2(d)8*, proposed to be recodified as *N.J.A.C. 6A:8-4.2(d)7*, "any other information deemed appropriate by the district board of education."

The current *N.J.A.C. 6A:8-4.2(d)5* is proposed for amendment and recodification as *N.J.A.C. 6A:8-4.2(d)4*. The proposed amendment replaces "evidence of employability skills and work habits such as punctuality, attendance, and teamwork" with "evidence of technological literacy."

The current *N.J.A.C. 6A:8-4.2(d)6* is proposed for amendment and recodification as *N.J.A.C. 6A:8-4.2(d)5*. The proposed amendment replaces "structured learning experiences according to *N.J.A.C. 6A:8-3.2(c)*" with "evidence of career education instructional experiences and career development activities."

The current *N.J.A.C. 6A:8-4.2(d)7* is proposed for amendment and recodification as *N.J.A.C. 6A:8-4.2(d)6*. The proposed amendment deletes the term "employer/" before industry certification tests and clarifies that the requirement is applicable to the transcripts of "those students who participate in vocational-technical education programs."

The Department proposes to delete *N.J.A.C. 6A:8-4.2(e)* because it is overly prescriptive, in requiring the development and dissemination of a format for electronic official school transcripts, given the developmental nature of the New

Jersey Standards Measurement and Resource for Teaching (NJ SMART) to facilitate the collection, management, and reporting of education data and the transfer of student information.

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

This section identifies particular areas of accountability with respect to Statewide assessment for district boards of education and students. No amendments are proposed to this section.

#### ***N.J.A.C. 6A:8-4.4 Annual review and evaluation of school districts***

This section mandates that the Department annually review school and school district performance, as measured by the Statewide assessment system. It provides criteria for determining the success of schools, school districts, and charter schools as part of the evaluation process described in the Evaluation of the Performance of School Districts rules at *N.J.A.C. 6A:30*. The section reflects the implementation of a single accountability system based on "adequate yearly progress" of schools and school districts, as required by *20 U.S.C. § 6311(b)(2)(A)* and *34 CFR § 200.12*.

The Department proposes to amend *N.J.A.C. 6A:8-4.4(a)* to remove the obsolete implementation date and to clarify, for consistency with language used in the No Child Left Behind Act, that review of the performance of schools and school districts "shall include the performance of all students, including students with disabilities as defined by *N.J.A.C. 6A:14-1.3*, students from major racial and ethnic groups, economically disadvantaged students, and students who have limited English proficiency." "General education students" is not a subgroup for which the No Child Left Behind Act requires the reporting of assessment data, so it is proposed that this subgroup be deleted and not included as a separate group in the list. The proposed amendments also clarify "district" as "school district," for consistency with other chapters of Title 6A of the Administrative Code.

The Department proposes to amend *N.J.A.C. 6A:8-4.4(a)1* to remove the obsolete implementation date and to clarify "district" as "school district," for consistency with other chapters of Title 6A of the Administrative Code.

The proposed amendments at *N.J.A.C. 6A:8-4.4(a)1i(1)* through (6) reflect the modifications to the assessment implementation schedule in *N.J.A.C. 6A:8-4.1(c)1* and 3 as described above. Under this proposed schedule, the second operational administration of the NJ ASK 5, 6, and 7 in language arts literacy and mathematics (2007-2008) would be used as part of the process for review and evaluation of schools and school districts.

The proposed amendments at *N.J.A.C. 6A:8-4.4(a)1ii*, 2ii, and 3ii specify that, for purposes of school or school district evaluation, "statistically viable subgroups" are described in the State of New Jersey Consolidated State Application Accountability Workbook, on the Department's Website. These amendments, proposed to provide consistency of evaluation across programs as implemented through the Evaluation of the Performance of School Districts rules at *N.J.A.C. 6A:30*, provide the Department with greater flexibility to work with the Federal experts to further fine-tune New Jersey's school and district evaluation process.

The proposed amendments at *N.J.A.C. 6A:8-4.4(a)1iv*, 2iv, and 3iv allow school districts to demonstrate adequate yearly progress for their total student population by meeting the specified safe harbor criteria according to *34 CFR § 200.20(b)*.

The proposed new *N.J.A.C. 6A:8-4.4(a)1v*, 2v, and 3v provide that, "Proficient and advanced proficient scores from the APA will be included as such in the calculation for a school or school district provided the number of those students who score at the proficient or advanced proficient level in the school district does not exceed 1.0 percent of all students in the grades assessed in language arts literacy and in mathematics. Proficient or advanced proficient APA scores above the 1.0 percent cap shall be included as partially proficient unless the school district has been granted an exception by the Department of Education."

The Department proposes to amend *N.J.A.C. 6A:8-4.4(a)2* to remove the obsolete implementation date and to clarify "district" as "school district," for consistency with other chapters of Title 6A of the Administrative Code.

The proposed amendments at *N.J.A.C. 6A:8-4.4(a)2*, 2i, and 2i(1) through (4) replace the "GEPA" with the more generic "grade eight component of the Statewide assessment" or "grade eight assessment" for consistency with the amended *N.J.A.C. 6A:8-4.1(c)* and 2 as described above and to allow for possible future assimilation of the grade eight assessment into the NJ ASK nomenclature.



The proposed amendments at *N.J.A.C. 6A:8-4.4(a)2i(1)* through (5) reflect the modifications to the assessment implementation schedule in *N.J.A.C. 6A:8-4.1(c)1* and 3 as described above. Under this proposed schedule, the second operational administration of the NJ ASK 5, 6, and 7 in language arts literacy and mathematics (2007-2008) would be used as part of the process for review and evaluation of schools and school districts. The department is also proposing a technical amendment at the current *N.J.A.C. 6A:8-4.4(a)2i(5)*, proposed to be recodified as *N.J.A.C. 6A:8-4.4(a)2i(5)*, that replaces "2009-2010" with "2011-2012."

The Department proposes to amend *N.J.A.C. 6A:8-4.4(a)3* to remove the obsolete implementation date and "and/or the SRA," for consistency with the proposed deletion of *N.J.A.C. 6A:8-4.1(d)1i* as described above. The proposed amendments also clarify "district" as "school district," for consistency with other chapters of Title 6A of the Administrative Code.

The Department proposes to amend *N.J.A.C. 6A:8-4.4(a)3i* to remove "and/or the SRA," for consistency with the proposed deletion of *N.J.A.C. 6A:8-4.1(d)1i*.

The Department proposes to delete *N.J.A.C. 6A:8-4.4(a)4*, as it duplicates the requirement at *N.J.A.C. 6A:8-4.1(d)*.

The proposed new *N.J.A.C. 6A:8-4.4(a)4* allows district boards of education with a statistically viable LEP subgroup to choose to count, as LEP, former LEP students for up to two years after they have demonstrated English proficiency and exited the LEP program. District boards of education that choose to count former LEP students as LEP must count all former LEP students who have exited within the past two years. This change codifies the guidance issued by the USDOE in February, 2004, which allows greater flexibility in how states calculate Adequate Yearly Progress (AYP) and determine participation for LEP students under the No Child Left Behind Act. The proposed new *N.J.A.C. 6A:8-4.4(a)4i* specifies that "statistically viable subgroups" are described in the State of New Jersey Consolidated State Application Accountability Workbook, for consistency with the proposed amendments at *N.J.A.C. 6A:8-4.4(a)1ii*, 2ii, and 3ii.

The proposed amendments at *N.J.A.C. 6A:8-4.4(b)1*, 2, and 3 clarify that these paragraphs apply only to schools subject to evaluation according to the Evaluation of the Performance of School Districts rules at *N.J.A.C. 6A:30*, other than county special services school districts, educational services commissions, and jointure commissions. These providers of publicly funded education programs have the same responsibilities as all schools with regard to providing instruction aligned with the Core Curriculum Content Standards and including all students in the Statewide assessment system; however, they are monitored differently. Statewide assessment performance of the students served by these entities is monitored through their sending schools.

The proposed amendment at *N.J.A.C. 6A:8-4.4(b)1* clarifies that a school-level improvement plan, in addressing identified deficiencies, must "comply with any correspondent Federal sanctions."

The proposed amendments at *N.J.A.C. 6A:8-4.4(c)* and (c)1 clarify that these paragraphs apply only to schools subject to evaluation according to the Evaluation of the Performance of School Districts rules at *N.J.A.C. 6A:30*, other than county special services school districts, educational services commissions, and jointure commissions. These providers of publicly funded education programs have the same responsibilities as all schools with regard to providing instruction aligned with the Core Curriculum Content Standards and including all students in the Statewide assessment system; however, they are monitored differently. Statewide assessment performance of the students served by these entities is monitored through their sending schools.

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

Pursuant to *N.J.S.A. 18A:7E-1* through 5, this section mandates that the Department of Education report annually, through the School Report Card, on the progress of students in achieving the Core Curriculum Content Standards. Based on the disaggregation of summary data, according to *N.J.A.C. 6A:8-4.2(a)*, the section provides that the Department of Education report on the performance of students with disabilities and LEP students with the same frequency and in the same detail as it reports on the assessments of other students.

The proposed amendments at *N.J.A.C. 6A:8-4.5(a)* require that the Department of Education report annually to the State Board and the public on the progress, not only of all students, but also of student subgroups, in meeting the Core Curriculum Content Standards as measured by the Statewide assessment system. The amendments also clarify that such reporting shall be in accordance with *N.J.S.A. 18A:7E-2* through 5 and the New Jersey Open Public Records Act (P.L. 2001, c.404), *N.J.S.A. 47:1A-1* et seq.

The proposed amendment at *N.J.A.C. 6A:8-4.5(b)* requires that the Department of Education, after each test administration, report to district boards of education on the performance of all students and on the performance of student subgroups. The intent is that the reporting requirement no longer be limited to only two of the subgroups.

The Department proposes to amend *N.J.A.C. 6A:8-4.5(c)* to remove the obsolete implementation date and to clarify "district" as "school district," for consistency with other chapters of Title 6A of the Administrative Code.

### **N.J.A.C. 6A:8-5 Implementation of Graduation Requirements**

This subchapter describes the ways in which students may obtain a high school diploma. For the educational path followed by the majority of New Jersey students, the subchapter links the awarding of a high school diploma to the development of the knowledge and skills contained in the Core Curriculum Content Standards through specific coursework as measured through the Statewide assessment system. The subchapter also provides alternative paths through which New Jersey students may earn a diploma.

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

This section mandates that district boards of education include in their requirements for a State-endorsed high school diploma that a student demonstrate the knowledge and skills contained in all sections of the Core Curriculum Content Standards, as measured by the HSPA or SRA process. It also mandates, as a diploma requirement, student participation in a local program of study including not less than 110 credits in courses designed to meet the Core Curriculum Content Standards. The 110-credit requirement may be met in whole or in part through program completion aimed at achieving the Core Curriculum Content Standards.

The proposed amendment at *N.J.A.C. 6A:8-5.1(a)1i(7)*, along with the proposed new *N.J.A.C. 6A:8-5.1(a)1ii(4)*, clarifies the district board of education option to accept student demonstration of proficiency in a world language as an alternative to seat-time fulfillment of the world languages graduation requirement.

The proposed amendment at *N.J.A.C. 6A:8-5.1(a)1ii(1)(E)* clarifies "local district" as "school district," for consistency with other chapters of Title 6A of the Administrative Code.

The proposed new *N.J.A.C. 6A:8-5.1(a)1ii(4)* provides that district boards of education shall choose from among the following assessment options to determine if students have achieved the level of language proficiency designated as Novice-High as defined by the American Council on the Teaching of Foreign Languages (ACTFL) and recognized as fulfilling the world languages requirement of the Core Curriculum Content Standards:

- (A) The Language Learning Solutions (LLS) online assessment;
- (B) The ACTFL Oral Proficiency Interview (OPI) or Modified Oral Proficiency Interview (MOPI); or
- (C) Department-approved locally designed competency-based assessments.

The Department proposes to amend *N.J.A.C. 6A:8-5.1(a)5* to remove the obsolete implementation date.

The proposed amendment at *N.J.A.C. 6A:8-5.1(a)6* eliminates the reference to the HSPT, no longer given, as an option for meeting graduation requirements.

The Department proposes to delete *N.J.A.C. 6A:8-5.1(a)7*, removing mention of the HSPT, no longer given, as an option for those seeking a diploma from a New Jersey public school.

The proposed amendment at *N.J.A.C. 6A:8-5.1(c)* deletes "which may include the APA," since a particular level of achievement on the Alternate Proficiency Assessment is not intended as a graduation requirement.

The proposed amendment at *N.J.A.C. 6A:8-5.1(f)1* allows district boards of education until March 31 of each year (amended from March 1 of each year) to submit the results of the SRA process to the appropriate county superintendent of schools.

The Department proposes to delete *N.J.A.C. 6A:8-5.1(g)*, reflecting the replacement of the HSPT by the HSPA.

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

This section provides that district boards of education shall award State-endorsed high school diplomas. The section provides several paths through which New Jersey students may earn a diploma.

**N.J.A.C. 6A:19 Vocational-Technical Education Programs and Standards****N.J.A.C. 6A:19-7 Local Applications for Funds****N.J.A.C. 6A:19-7.1 Application procedures**

This section provides the procedures for the application for funds pursuant to P.L. 105-332.

The proposed amendment at *N.J.A.C. 6A:19-7.1(a)* replaces the reference to *N.J.A.C. 6A:8-2.2(b)*, from which the application process is being moved, with "P.L. 105-332."

The Department proposes to relocate the current *N.J.A.C. 6A:8-2.2(b)3* as a new provision at *N.J.A.C. 6A:19-7.1(b)*.

The Department proposes to relocate the current *N.J.A.C. 6A:8-2.2(b)3i* through *iv* as new provisions at *N.J.A.C. 6A:19-7.1(b)1* through 4, including an updated regulatory citation.

The Department proposes to relocate the current *N.J.A.C. 6A:8-2.2(b)4* as a new provision at *N.J.A.C. 6A:19-7.1(c)*, including an updated regulatory citation. The Department is also proposing that the new provision at *N.J.A.C. 6A:19-7.1(c)* include "vocational-technical," rather than "vocational and technical," for consistency with the language in *N.J.A.C. 6A:19*.

**N.J.A.C. 6A:19-8 Vocational-Technical Education Program and Course Approval****N.J.A.C. 6A:19-8.1 Program approval process: adoption by reference**

The proposed amendment to the heading of this section removes the words "adoption by reference," since the section no longer refers to a process located in *N.J.A.C. 6A:8-2*.

The Department proposes to delete the current *N.J.A.C. 6A:19-8.1(a)*, as the content essentially duplicates the content of *N.J.A.C. 6A:8-2.2(b)1*, proposed to be recodified as *N.J.A.C. 6A:8-2.2(b)*.

The Department proposes to relocate the current introductory paragraph to *N.J.A.C. 6A:8-2.2(b)* as a new provision at *N.J.A.C. 6A:19-8.1(a)*.

The Department proposes to relocate and amend the current rule at *N.J.A.C. 6A:8-2.2(b)5* as a new provision at *N.J.A.C. 6A:19-8.1(b)*. The proposed new *N.J.A.C. 6A:19-8.1(b)* specifies that vocational-technical education programs must be aligned with the Core Curriculum Content Standards and replaces "occupational program" with "vocational-technical education program."

The Department proposes to relocate and amend the current rules at *N.J.A.C. 6A:8-2.2(b)5i* through *vi* as new provisions at *N.J.A.C. 6A:19-8.1(b)1* through 6. The proposed new paragraph at *N.J.A.C. 6A:19-8.1(b)1* replaces "occupational program" with "vocational-technical education program" and deletes the reference to the National Skill Standards Board, as that board no longer exists. The proposed new paragraphs at *N.J.A.C. 6A:19-8.1(b)2*, 3, 4 and 6 replace "occupational program" with "vocational-technical education program." The proposed new paragraph at *N.J.A.C. 6A:19-8.1(b)4* clarifies "district request" as "district board of education's request." The proposed new paragraph at *N.J.A.C. 6A:19-8.1(b)5* eliminates the reference to "Cross-Content Workplace Readiness Standards" and replaces "employer-verified competency list" with "industry-verified competency list." The provision also clarifies "district" as "school district," for consistency with other chapters of Title 6A of the Administrative Code.

The Department proposes to recodify *N.J.A.C. 6A:19-8.1(b)* and (c) as *N.J.A.C. 6A:19-8.1(c)* and (d).

The Department has provided a notice of pre-proposal on this notice of proposal, published October 18, 2004 at 36 *N.J.R. 4587(a)*. Therefore, this notice is excepted from the rulemaking calendar requirement, pursuant to *N.J.A.C. 1:30-3.3(a)4*.

**Social Impact**

The social impact of the rules proposed for re-adoption and proposed amendments on New Jersey's diverse student population is positive. The re-adoption continues the process of including the performance of students with disabilities and students with limited English proficiency in the formal Statewide assessment and accountability systems. Addition-

ally, the rules proposed for re adoption and proposed amendments hold schools and school districts accountable, not only for the academic performance of the total student body, but also for the performance of economically disadvantaged students and students from major racial and ethnic groups. The rules proposed for re adoption and proposed amendments ensure the inclusion of all students in standards-based curricula, aligned with New Jersey's Core Curriculum Content Standards, and provide a thorough education. They ensure the continuation of early childhood programs, particularly in those school districts with the highest concentrations of low-income families. The rules proposed for re adoption and proposed amendments ensure that no individual groups of students will be left behind.

### **Economic Impact**

Re adoption of the rules with amendments can be expected to have a substantive economic impact in that it reduces the risk of New Jersey losing Title I and IDEA funding as a result of non-compliance with Federal guidelines. The loss or reduction of Title I and IDEA funding would have the greatest impact on those school districts with the greatest portion of disadvantaged students.

While the rules proposed for re adoption and proposed amendments will undoubtedly have an impact on the content of instructional programs for some students, there is no reason to anticipate that such curricular modifications would involve increased expenditures for school districts.

All publicly funded education programs in New Jersey are now focused on aligning curriculum and instruction to assist students in achieving the standards. There is also recognition that professional development of teachers must continually occur if standards-based reforms are to succeed. This may necessitate a realignment of budget priorities for some providers in order to accommodate needed changes. State and Federal funds support standards-based reforms and early childhood programs at the school and school district levels.

### **Federal Standards Statement**

The rules are in compliance with Federal education requirements included in the 2002 reauthorization of ESEA (P.L. 107-110) and in IDEA (20 U.S.C. § 1412). As proposed, the rules proposed for re adoption and proposed amendments will not exceed the Federal requirements of ESEA and IDEA. There are no other Federal requirements that impact these rules proposed for re adoption and proposed amendments.

### **Jobs Impact**

It is not anticipated that jobs will be either created or lost as a result of the rules proposed for re adoption and proposed amendments.

### **Agriculture Industry Impact**

There is no anticipated impact on the agriculture industry as a result of the rules proposed for re adoption and proposed amendments.

### **Regulatory Flexibility Analysis**

The rules proposed for re adoption with amendments apply to all providers of publicly funded elementary, secondary, and adult high school education programs, including approved private schools for the disabled. "Approved private schools for the disabled" means incorporated entities approved by the Department of Education according to *N.J.A.C. 6A:14-7.2* or *7.3* to provide special education and related services to students with disabilities placed by the district board of education responsible for providing their education. Most of these approved private schools 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 rules included in this chapter are largely programmatic, based on achieving the Core Curriculum Content Standards, and must be in place for all students. To the extent that maintaining transcripts or fulfilling other reporting requirements results in additional costs to the businesses, such costs may be recovered through tuition charges. The Department believes the rules are necessary, and it would be disadvantageous to the general public if all providers did not follow them.

### **Smart Growth Impact**

The rules proposed for re adoption and proposed amendments will have no impact on the achievement of smart growth and implementation of the State Development and Redevelopment Plan.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at *N.J.A.C. 6A:8*.

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

## CHAPTER 8 STANDARDS AND ASSESSMENT

### SUBCHAPTER 1. GENERAL PROVISIONS

#### 6A:8-1.1 Purpose

(a) The Core Curriculum Content Standards define what all students should know and be able to do by the end of their public school education.

1. The Core Curriculum Content Standards specify expectations in [seven] **nine** academic content areas: the visual and performing arts, comprehensive health and physical education, language arts literacy, mathematics, science, social studies, [and] world languages, **technological literacy, and career education and consumer, family, and life skills**. [The Core Curriculum Content Standards also include the following five Cross-Content Workplace Readiness Standards: career planning; use of technology, information, and other tools; critical thinking, decision making, and problem solving; self-management; and application of safety principles. These workplace readiness standards reinforce the common threads among all content areas.]

2. (No change.)

(b)-(d) (No change.)

#### 6A:8-1.2 Scope

(a) (No change.)

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

(c) (No change.)

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

#### 6A:8-1.3 Definitions

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

...

**"ACTFL" means the American Council on the Teaching of Foreign Languages.**

...

"APA" means the Alternate Proficiency Assessment, to be used to determine cumulative student achievement of the knowledge and skills specified by the Core Curriculum Content Standards, for students with disabilities who are unable to participate in the elementary component of the Statewide assessment for grades three through seven, the [GEPA] **grade eight component of the Statewide assessment**, or the HSPA in accordance with *N.J.A.C. 6A:14-4.11*.

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

the Equal Employment Opportunity in Apprenticeship and Training Act (29 CFR §§ 29.29 and 29.30), and in conformance with the Core Curriculum Content Standards.]

"Career awareness [and], exploration, and preparation" means instruction and programs which assist students to clarify career goals, explore career possibilities, develop employability skills, **develop foundational knowledge necessary for success in the workplace**, and make the transition from school to [work and/or] **careers, including postsecondary education or training and employment.**

"Chief school administrator" means the superintendent of schools or, if there is no superintendent in the school district, the administrative principal who works directly with the **district's** board of education.

"Core Curriculum Content Standards" means statements adopted by the State Board of Education May 1, 1996, and as thereafter revised by the State Board, which describe the knowledge and skills all New Jersey students are expected to acquire by benchmark grades. These standards[, published by the Department as document PTM 1400.06.] are established for the provision of a thorough and efficient education pursuant to *N.J.S.A. 18A:7F-4* and as a basis for the evaluation of school districts in accordance with N.J.A.C. 6A:30-1.4.

["Cross-Content Workplace Readiness Standards" means statements adopted as an integral part of the Core Curriculum Content Standards, in accordance with N.J.A.C. 6:8-2.1(a)3 and 4, by the State Board of Education, and published by the Department in document PTM 1400.06, which are infused across all academic content areas and address the knowledge and skills needed to prepare all students to maximize their ability to be self-sufficient and contributing members of society.]

"Curriculum frameworks" means documents published by the Department of Education, **either in hard copy or in electronic format**, that include and elaborate on the Core Curriculum Content Standards for kindergarten through grade 12 education and that may assist in the development of local curricula.

"District boards of education" means, for purposes of this chapter, all providers of publicly funded elementary, secondary, and adult high school education programs, including county vocational schools, educational services commissions, jointure commissions, charter schools, regional day schools, adult high schools, county special services school districts, the Marie H. Katzenbach School for the Deaf, the Department of Human Services, the Department of Corrections, the Juvenile Justice Commission, [State facilities, organizations] **public college-operated programs**, and approved private schools for the disabled.

"ECPA" means Early Childhood Program Aid, which, pursuant to *N.J.S.A. 18A:7F-16*, is distributed to all school districts with high concentrations of low-income students for the purpose of providing full-day kindergarten and preschool classes and other early childhood programs and services.

"English Language Proficiency Standards" means the most recent alignment of New Jersey's ESL standards to the "ESL Standards for Pre-K through 12 Students" pursuant to *N.J.A.C. 6A:15-1.4(c)1*.

"ESL" means English as a second language.

["ESPA" means the Elementary School Proficiency Assessment, which is used to determine cumulative achievement of the Core Curriculum Content Standards through fourth grade.]

"504 student" means a [person, defined under Section 504 of the Rehabilitation Act of 1973, *29 U.S.C. § 794*, and *34 CFR § 104.3(a)*, (c) and (d),] **student** who has a physical or mental impairment which substantially limits [one or more] a major life [activities,] **function**; has [a record of such an impairment, or is regarded as having such an impairment] **been determined eligible for services, including accommodations and modifications by the school district's 504 team; and has a 504 plan.**

["GEPA" means the Grade Eight Proficiency Assessment, which is used to determine cumulative achievement of the Core Curriculum Content Standards through eighth grade.]

"Gifted and talented students" means those [exceptionally able] 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.

["HSPT" means the High School Proficiency Test, which is used to determine student achievement of knowledge and skills in reading, writing, and mathematics. This test is to be replaced by the HSPA.]

"IEP Team" means the [participants] **group of individuals** who are [required to attend the meeting to develop] **responsible for the development, review, and revision of the student's Individualized Education Program** as specified in *N.J.A.C. 6A:14-2.3(i)2*.

"LLS" means the **Language Learning Solutions** online proficiency-based assessment for world languages.

"Magnet program" means a **distinctive** program designed to [attract]:

**1. Attract** students [from throughout a district] by offering a specialized curriculum **based on a special theme or method of instruction; and**

**2. Substantially strengthen the knowledge of academic subjects and the attainment of tangible and marketable vocational, technological, and professional skills of students attending the program.**

"MOPI" means the **ACTFL Modified Oral Proficiency Interview**, which is a standardized assessment of functional speaking ability often used to test the lower proficiency ranges.

["National Skill Standards Board" means the group established by the National Skill Standards Act of 1994, 20 *U.S.C. §§ 5931* et seq., for the purpose of developing a national system of skill standards, assessment, and certification of skill attainment.]

"OPI" means the **ACTFL Oral Proficiency Interview**, which is a standardized assessment of functional speaking ability currently available in 37 different world languages.

"Performance assessment" means **observing and evaluating** demonstrations of what students know and can do, including such things as [open-ended or constructed response questions,] essays, portfolios of student work, **performance tasks**, projects, [and reports of] laboratory [or work-based] **reports, and structured learning** experiences.

"Structured learning experience" means **experiential**, supervised [student co-curricular or extra-curricular] **educational** activities[, school-based enterprises, volunteer or paid employment, apprenticeship programs, or community service within disciplines] linked to the Core Curriculum Content Standards **and designed to provide students with exposure to the requirements and responsibilities of specific job titles or job groups, and to assist them in gaining employment skills and making career and educational decisions.** A structured learning experience may be either paid or unpaid, depending on the type of activities in which the student is involved.

"Vocational-technical education program" means a sequence of academic and vocational courses designed to provide students with the industry-based skills and knowledge needed to gain employment in a particular occupation or career area or to pursue further education at the post-secondary level.

## SUBCHAPTER 2. THE CORE CURRICULUM CONTENT STANDARDS

### 6A:8-2.1 Authority for educational goals and standards

(a) The State Board of Education is responsible for establishing State educational goals and standards according to P.L. 1990, c.52, P.L. 1991, c.3 and P.L. 1991, c.62.

1. In [May 1996] **July 2002**, the State Board adopted by resolution [the] **revised Core Curriculum Content Standards and associated cumulative progress indicators in language arts literacy, mathematics, and science**, which establish the basis for local curriculum and instruction, the Statewide assessment system, and evaluation of local district boards of education.

[2. In June 2000, the State Board adopted by resolution the Core Curriculum Content Standards for Students with Severe Disabilities, based on the Core Curriculum Content Standards and including adapted cumulative progress indicators focusing on the educational needs of students with severe disabilities.]

**2. In April 2004, the State Board adopted revised Core Curriculum Content Standards and associated cumulative progress indicators in language arts literacy, visual and performing arts, comprehensive health and physical education, world languages, technological literacy, and career education and consumer, family, and life skills.**

3. [On April 17, 2000] **In July 2004**, the [Commissioner] **State Board** adopted the [Early Childhood Education Program Expectations: Standards of Quality, that provides the foundation for all districts to create developmentally appropriate learning environments to support and prepare young children to meet the Core Curriculum Content Standards] **Preschool Teaching and Learning Expectations: Standards of Quality, to serve as standards of quality for State-funded public school preschool programs in New Jersey.**

**4. In October 2004, the State Board adopted revised Core Curriculum Content Standards and associated cumulative progress indicators in social studies.**

[4.]**5.** The State Board on or before May [2001] **2008** will initiate a review and readoption process for the Core Curriculum Content Standards[, including any Core Curriculum Content Standards for Students with Severe Disabilities] and the [Early Childhood Education Program] **Preschool Teaching and Learning Expectations: Standards of Quality**. This process will be repeated every five years thereafter, based on recommendations by the Commissioner according to the following procedure:

i.-v. (No change.)

#### 6A:8-2.2 Authority for the State Plan for Vocational Education

(a) (No change.)

[(b) The State Board will adopt a State Plan for Vocational Education pursuant to P.L. 105-332.]

[1.]**(b)** The State Board will be guided by the Core Curriculum Content Standards and, [in particular, the Cross-Content Workplace Readiness Standards] **particularly, the career education and consumer, family, and life skills standards and the technological literacy standards**, in developing the State Plan for Vocational Education required under P.L. 105-332.

[2. District boards of education wishing to participate in grant programs, pursuant to (b)4 below and P.L. 105-332, shall apply for funds to the New Jersey Department of Education on forms provided by the Department.

3. The State Board, in concordance with P.L. 105-332, will include in the State Plan for Vocational Education authorization for the Commissioner to withhold from district boards of education State and Federal funds for activities in any component programs included in N.J.S.A. 18A:54 when the following conditions exist:

- i. The program is unapproved;
- ii. The activities are being implemented in a manner inconsistent with the State Plan for Vocational Education;
- iii. Students participating in external paid structured learning experiences are exploited, illegally employed, or employed under conditions which do not provide for their health and safety; or
- iv. Teachers are not appropriately certified according to *N.J.A.C. 6:11*.



4. The State Board of Education assures that any district board of education and other eligible institution or agency conducting vocational and technical education programs dissatisfied with final action on any applications for funds shall be given reasonable notice and may appeal the decision as set forth in *N.J.A.C. 6A:3, Controversies and Disputes*.

5. The State Board will include in the State Plan for Vocational Education, in concordance with P.L. 105-332, authorization for the Commissioner to establish a program-approval system for aligning occupational programs with educational delivery systems from grade nine through grade 12 at the local, county, regional, and State levels. Program approval is required for occupational/technical programs offered by districts with approved vocational schools, comprehensive high schools, county vocational schools, and other agencies offering secondary or non-collegiate postsecondary programs. The program-approval system shall include the following:

i. District boards of education shall identify the need for occupational programs of instruction through identification of the National Skill Standards Board's latest labor-market demand data, the results of employer surveys, and the use of an advisory committee to plan for and operate the program.

ii. District boards of education seeking to establish any new occupational programs shall request recommendations from the appropriate Workforce Investment Board (WIB) to minimize duplication of programs and to foster a unified delivery system.

iii. District boards of education, upon verification of the local need to offer an occupational program and recommendation of the WIB, shall submit a completed Occupational Education Program Approval Request to the Department of Education. The Program Approval Request will include the following: program title; occupational objective of the program; documentation of the need for the program; program advisory committee; admission requirements; program structure; instructional staff plans; enrollment projections; curriculum outline; participation in vocational student organizations; facilities and equipment required; program costs; career guidance and counseling provisions; linkage programs involved; participation of special populations; evaluation; and impact on institutional capacity.

iv. The Commissioner shall approve or disapprove the district request to offer an occupational program. Approval or disapproval will be based on the completeness of the application and the inclusion of data which support the establishment of the program.

v. The Commissioner, in approving programs with a regional or State designation, shall establish the criteria for admitting students from outside the district and/or county. The admission requirements will include at least minimum academic and occupational competencies, based on the Core Curriculum Content Standards, Cross-Content Workplace Readiness Standards, and an employer-verified competency list.

vi. District boards of education dissatisfied with the decision on the request for an occupational program approval may appeal the decision as set forth in *N.J.A.C. 6A:3, Controversies and Disputes*.

#### 6A:8-2.3 Authority for the registration and related classroom instruction of apprenticeship programs

The Department of Education is the recognized State agency responsible for the administration of the related classroom instruction of registered apprentice programs as required by 29 CFR §§ 29.29 and 29.30.]

#### 6A:8-[2.4]2.3 Authority for requirement to establish early childhood education programs

(a) Pursuant to *N.J.S.A. 18A:7F-16*, district boards of education, except Abbott districts pursuant to *N.J.A.C. 6A:24-3.1 through [3.3]3.4*, with high concentrations of low-income students shall establish **and maintain** preschool and full-day kindergarten for all four- and five-year-olds [by the 2001-2002 school year and shall maintain them thereafter].

1.-2. (No change.)

**(b) District boards of education shall not admit non-resident three- or four-year-old children to ECPA funded preschool programs within any non-Abbott ECPA district.**

### SUBCHAPTER 3. IMPLEMENTATION OF THE CORE CURRICULUM CONTENT STANDARDS

#### 6A:8-3.1 Curriculum and instruction

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

1. The Department of Education shall provide [districts] **district boards of education** with curriculum frameworks that suggest a variety of activities and strategies that may assist in the development of local curricula aligned with the Core Curriculum Content Standards.

2.-4. (No change.)

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 [and appropriate educational challenges] for gifted and talented students [initiated in kindergarten and reviewed annually through grade 12] **that includes multiple measures.**

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

[ii.]iii. (No change in text.)

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

6. District boards of education shall actively assist and support [teachers'] professional development [and/or in-service] **for teachers, educational services staff, and school leaders**, including their efforts to meet the mandatory [continuing education requirement for teachers, and educational services staff,] **professional development requirements** as specified in N.J.A.C. [6:11-13.1] **6A:9-15.1 and 16.1.**

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

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

(c)-(d) (No change.)

6A:8-3.2 Career [awareness] **education** and [exploration] **counseling**

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

[1. The Department of Education shall provide districts with a cross-content workplace readiness curriculum framework that suggests a variety of activities and strategies that may assist in the development of local curricula aligned with the Core Curriculum Content Standards.]

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

i.-ii. (No change.)

iii. Takes into consideration **the National Career Development Guidelines** and the Career Development Standards of the National Standards for School Counseling Programs of the American School Counselor Association in the following three areas of student development:

(1)-(3) (No change.)

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

i. Assist students in making and implementing informed educational and [occupational] **career** choices, including opportunities to change career focus;

ii. [Develop a student's competencies in self-management, educational and occupational exploration, and career planning] **Support students' academic attainment, career development, and personal/social development;**

iii. [Make students aware of the relationship among personal qualities, education, training, and the world of work] **Develop students' understanding of the relationships among academic attainment, career development, and personal/social development; and**

iv. Encourage students to create and maintain portfolios consisting of student accomplishments [related to the Cross-Content Workplace Readiness Standards; and] **including academic and career-oriented work samples that reflect achievement of the Core Curriculum Content Standards.**

[v. Acquaint students with the relationship between achieving academic standards and the attainment of career goals.]

[4.]3. District boards of education shall **ensure that**, for students with disabilities **beginning at age 14** [through 21 (], or younger[, if determined appropriate by the IEP team[)], [incorporate transitional services, including] career guidance and **academic counseling**[, into each student's IEP] **are coordinated with transition services provided in accordance with N.J.A.C. 6A:14-3.7.**

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

**1. Include the integration of technological literacy, consistent with the Core Curriculum Content Standards;**

Recodify existing 1.-2. as 2.-3. (No change in text.)

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

1. Offers [high school] **all** students the opportunity to more fully explore career interests within[, but not limited to,] one or more of the [following clustered disciplines] **Career Clusters identified in the Vocational-Technical Education Programs and Standards rules at N.J.A.C. 6A:19, that are** linked to the Core Curriculum Content Standards and [as] measured by the Statewide assessment system according to N.J.A.C. 6A:8-4[.];

[i. Arts and Humanities;

ii. Business and Information Systems;

iii. Mathematics, Science, and Technology; and

iv. Health and Human Services;]

2. Allows [districts] **district boards of education** to select the appropriate format for offering [career-exploration] **career-development** activities based on district resources, community needs, and student interest;

3. Allows [districts] **district boards of education** to select the delivery format that may include:

i.-ii. (No change.)

4. (No change.)

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

1. District boards of education shall design structured learning experiences as rigorous activities[,] **that are** integrated into the curriculum[, and linked to the Core Curriculum Content Standards]. As used in this paragraph, "rigorous activities" means that the student activities have identifiable educational goals [that are of a high level, are an important part of the curriculum, and incorporate links to the cross-content workplace readiness and academic standards] **which**

support the Core Curriculum Content Standards, and in particular the career education and consumer, family and life skills standards and the technological literacy standards. [They] **Structured learning experiences** should give students [an opportunity] **opportunities** to [both] demonstrate and apply a high level of academic attainment and to develop career and personal/social goals.

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

i. (No change.)

ii. External experiences [such as volunteer activities, community service, paid or unpaid employment opportunities, or participation in an apprenticeship program] **taking place at a work site or in the community in accordance with N.J.A.C. 6A:19-6.4.**

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

i. Are supervised by school personnel in accordance with the requirements [for cooperative education (*N.J.A.C. 6:43*)] **identified in the Professional Licensure and Standards rules at N.J.A.C. 6A:9-13.19 through 13.22;**

ii.-iii. (No change.)

4. (No change.)

#### 6A:8-3.3 Enrollment in college courses

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

[1. The Commissioner and the Executive Director of the Commission on Higher Education shall prepare and circulate a model articulation agreement.

2. All public New Jersey higher education institutions shall accept the credits earned for college courses taken under articulation agreements between district boards of education and New Jersey colleges and universities.]

(b) (No change.)

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

1. [The same] **Equivalent** college courses to those offered to regularly admitted college students; and

2. (No change.)

(d) (No change.)

#### 6A:8-3.4 Requirements for early childhood education programs

(a) A district board of education, except Abbott districts pursuant to N.J.A.C. 6A:24-3.4, required under *N.J.A.C. 6A:8-2.4* to establish early childhood education programs shall submit a program and fiscal operational plan for Early Childhood Program Aid (**ECPA**), on a form provided by the Commissioner, to the county superintendent for review and approval, and shall be subject to monitoring. The program and fiscal operational plan shall be revised annually, prior to each fiscal year to reflect changes in program and fiscal components.

1. The fiscal section of the plan is pursuant to N.J.A.C. [6:19-3.2(a) through (e)] **6A:23-5.4.**

2. **The district board of education shall serve at least 75 percent of the universe of four-year-old children prior to any application of ECPA funds to first through third grades.**

3. **The district board of education shall serve all enrolled four-year-old children in a full day program prior to any application of ECPA funding to first through third grades.**

(b) The county superintendent shall review each line item in the school district's program and fiscal operational plan to determine whether it is appropriate.

(c) A district board of education shall include in the program section of the plan the following components:

1. District-wide planning;

2.-3. (No change.)

4. Curriculum development and implementation; [and]

**5. Inclusion of children with disabilities in general education classrooms to the maximum extent possible;**  
and

[5.]6. (No change in text.)

(d) (No change.)

(e) A district board of education shall ensure that the early childhood education program:

**1. Maintains preschool classroom enrollments of no more than 18 children with one certified teacher and one aide, commencing July 1, 2008;**

[1.]2. (No change in text.)

[2.]3. Is [based on] **designed to meet** the [Early Childhood Education Program] **Preschool Teaching and Learning Expectations: Standards of Quality and the Core Curriculum Content Standards;**

**4. Includes transition activities, programs, and services between preschool programs and kindergarten programs;**

Recodify existing 3.-4. as 5.-6. (No change in text.)

(f) A district board of education shall base early childhood education programs and curricula on student needs, strengths and interests that focus on all aspects of development: cognitive, social, emotional and physical. Curriculum and assessment strategies and/or resources shall be developmentally appropriate and include performance-based **assessment** measures. [The curriculum shall be based on the Early Childhood Education Program Expectations: Standards of Quality, which is aligned with the Core Curriculum Content Standards.]

(g) (No change.)

(h) A district board of education shall provide [appropriate] professional development and training [to prepare instructors for the] **specific to** early childhood education [program] **for all early childhood education administrators, teachers, and teacher assistants.**

(i) A district board of education may contract with Department of Human Services (DHS)-licensed child care programs where practical so as not to duplicate the provision of early childhood education programs available in the community, provided that the DHS-licensed child care program(s) with which the district board of education contracts complies with the district's program requirements, including the employment of appropriately licensed teaching staff[, pursuant to N.J.A.C. 6:11-3.1].

(j)-(k) (No change.)

#### SUBCHAPTER 4. IMPLEMENTATION OF THE STATEWIDE ASSESSMENT SYSTEM

##### 6A:8-4.1 Statewide assessment system

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

(b) (No change.)

(c) District boards of education shall, according to a schedule prescribed by the Commissioner, administer the applicable Statewide assessments, including the five major components: the elementary assessment component for grades three through seven, the [Grade Eight Proficiency Assessment (GEPA)] **grade eight assessment component**, the High School Proficiency Assessment (HSPA), the Special Review Assessment (SRA), and the Alternate Proficiency Assessment (APA).

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

- [i. 2002-2003 Administration of mathematics and language arts literacy in grades three and four;
- ii. 2003-2004 Continued administration of mathematics and language arts literacy in grades three and four; and]
- [iii.]i. 2004-2005 Continued [Administration] **administration** of mathematics and language arts literacy in grades three[,] and four[, five, six, and seven,] and administration of science in grade four[.];
- ii. 2005-2006 Continued administration of mathematics and language arts literacy in grades three and four and science in grade four;**
- iii. 2006-2007 Administration of mathematics and language arts literacy in grades three, four, five, six, and seven, and continued administration of science in grade four; and**
- iv. 2007-2008 and 2008-2009 Continued administration of mathematics and language arts literacy in grades three, four, five, six, and seven, and science in grade four.**

2. The Department shall implement the [GEPA] **grade eight** component of the Statewide assessment of the Core Curriculum Content Standards according to the following schedule:

- i. (No change.)

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

- [i. 2001-2002--Administration of mathematics and language arts literacy in grade 11;]
- [ii. 2002-2003 and 2003-2004] **i. 2004-2005** Continued administration of mathematics and language arts literacy in grade 11; [and]
- [iii. 2004-2005] **ii. 2005-2006** Administration of science and continued administration of mathematics and language arts literacy in grade 11[.];
- iii. 2006-2007 Continued administration of mathematics, science, and language arts literacy in grade 11; and**
- iv. 2007-2008 and 2008-2009 Continued administration of mathematics, science, and language arts literacy in grade 11.**

(d) All students at grade levels three through eight and [11 through 12] **11-12**, pursuant to (b) and (c) above, and at any other grades designated by the Commissioner pursuant to (a) above, shall take all appropriate Statewide assessments as scheduled.

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

[i. District boards of education may administer the SRA to LEP students who require an alternate format to demonstrate knowledge and skills measured by the HSPA.]

[ii.]i. District boards of education may administer the SRA to LEP students in their native language and/or English, in conformance with *N.J.A.C. 6A:8-5.1(f)*.

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

2. (No change.)

3. District boards of education shall, at specific times prescribed by the Commissioner [starting with the 2001-2002 academic year], administer the Alternate Proficiency Assessment (APA) to students with severe disabilities who cannot participate in other assessments due to the severity of their disabilities.

i. (No change.)

ii. The APA [will measure] **measures** the progress of students [with severe disabilities toward achieving the Core Curriculum Content Standards] **who have been determined eligible for the APA by the IEP team in accordance with N.J.A.C. 6A:14-4.11.**

4. (No change.)

(e) (No change.)

#### 6A:8-4.2 Documentation of student achievement

(a) The Department of Education, after each test administration, shall provide to chief school administrators the following:

1.-2. (No change.)

3. [District] **School** and school **district** summary data, including school and **school** district means, numbers tested, and percent achieving at each performance level, with **school** district summary data aggregated and disaggregated, and school summary data disaggregated, for students with disabilities as defined by *N.J.A.C. 6A:14-1.3* and for those who have limited English proficiency.

(b)-(c) (No change.)

(d) [Starting with students entering ninth grade in the 2000-2001 academic year or planning to graduate from an adult high school in the 2003-2004 academic year, district] **District** boards of education shall maintain, for every student, a ninth-grade through graduation transcript which contains the following, [in accordance with N.J.A.C. 6:3-6,] as available:

1.-2. (No change.)

[3. Other evidence of student achievement;]

[4.]3. (No change in text.)

[5.]4. Evidence of [employability skills and work habits such as punctuality, attendance, and teamwork] **technological literacy;**

[6. Structured learning experiences according to *N.J.A.C. 6A:8-3.2(c)*;

**5. Evidence of career education instructional experiences and career development activities;**

[7.]6. The results of any [employer/] industry certification tests linked to one or more industry-based standards **for those students who participate in vocational-technical education programs;** and

[8.]7. (No change in text.)

[(e) The Commissioner, in consultation with the State Employment and Training Commission, shall develop and disseminate to district boards of education a format for electronic official school transcripts for optional use by students.]

#### 6A:8-4.4 Annual review and evaluation of school districts

(a) The Department of Education shall review the performance of schools and **school** districts, using a percent of students performing at the proficient level as one measure of adequate yearly progress and incorporating a progress criterion indicative of systemic reform as defined in (a)1iv, 2iv, and 3iv below. [Beginning July 1, 2003, the] **The** review shall include the performance of all students, including [general education students,] students with disabilities as defined by *N.J.A.C. 6A:14-1.3*, **students from major racial and ethnic groups, economically disadvantaged students, and**

students who have limited English proficiency. This review shall take place at each grade level in which Statewide assessments are administered, using the following criteria:

1. [Beginning July 1, 2003, a] A specified increasing percent of the total number of students tested and of each statistically viable subgroup of all third-, fourth-, and fifth-grade students tested in a school or school district, except those students who have enrolled after July 1 of the calendar year prior to the test administration, shall have scored at the proficient level, or higher, on the elementary component of the Statewide assessment and/or the APA, in each of the content areas assessed.

i. The specified increasing percent for the grade three assessment, the grade four assessment, the grade five assessment, and/or the corresponding APA shall be determined according to the following schedule:

(1) For the grade four assessment administered during the 2002-2003 and 2003-2004 academic years, language arts literacy 68 percent and mathematics 53 percent.

[(2) For the grade three assessment and the grade four assessment administered during the 2003-2004 academic year, language arts literacy 68 percent and mathematics 53 percent.]

[(3)](2) For the grade three assessment and the grade four assessment administered during the 2004-2005, 2005-2006, and 2006-2007 academic years, language arts literacy 75 percent and mathematics 62 percent.

[(4) For the grade three assessment, the grade four assessment, and the grade five assessment administered during the 2005-2006 and 2006-2007 academic years, language arts literacy 75 percent and mathematics 62 percent.]

Recodify existing (5)-(6) as (3)-(4) (No change in text.)

ii. Statistically viable subgroups [include 20 or more economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency] **are described in the State of New Jersey Consolidated State Application Accountability Workbook, on the Department's website, at <http://www.nj.gov/njded/grants/nclb/workbook.pdf>.**

iii. (No change.)

iv. For statistically viable subgroups of third-, fourth-, and fifth-grade students, [but not] **and** for the total student population, as an alternative to meeting the absolute criteria in (a)i above, adequate yearly progress may be demonstrated by meeting the following safe harbor criteria:

(1)-(2) (No change.)

v. **Proficient and advanced proficient scores from the APA will be included as such in the calculation for a school or school district provided the number of those students who score at the proficient or advanced proficient level in the school district does not exceed 1.0 percent of all students in the grades assessed in language arts literacy and in mathematics. Proficient or advanced proficient APA scores above the 1.0 percent cap shall be included as partially proficient unless the school district has been granted an exception by the Department of Education.**

2. [Beginning July 1, 2003, a] A specified increasing percent of the total number of students tested and of each statistically viable subgroup of all sixth-, seventh-, and eighth-grade students tested in a school or school district, except those students who have enrolled after July 1 of the calendar year prior to the test administration, shall have scored at the proficient level, or higher, on the elementary component of the Statewide assessment or the [GEPA] **grade eight component of the Statewide assessment** and/or the APA, in each of the content areas assessed.

i. The specified increasing percent for the grade six assessment, the grade seven assessment, the [GEPA] **grade eight assessment**, and/or the corresponding APA shall be determined according to the following schedule:

(1) For the [GEPA] **grade eight assessment** administered during the 2002-2003 and 2003-2004 academic years, language arts literacy 58 percent and mathematics 39 percent.

(2) For the [GEPA] **grade eight assessment** administered during the 2004-2005, 2005-2006, and 2006-2007 academic years, language arts literacy 66 percent and mathematics 49 percent.

[(3) For the grade six assessment, the grade seven assessment, and the GEPA administered during the 2005-2006 and 2006-2007 academic years, language arts literacy 66 percent and mathematics 49 percent.]



[(4)](3) For the grade six assessment, the grade seven assessment, and the [GEPA] **grade eight assessment** administered during the 2007-2008, 2008-2009, and 2009-2010 academic years, language arts literacy 76 percent and mathematics 62 percent.

[(5)](4) For the grade six assessment, the grade seven assessment, and the [GEPA] **grade eight assessment** administered during the 2010-2011, [2009-2010] **2011-2012**, and 2012-2013 academic years, language arts literacy 87 percent and mathematics 79 percent.

ii. Statistically viable subgroups [include 20 or more economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency] **are described in the State of New Jersey Consolidated State Application Accountability Workbook, on the Department's website, at <http://www.nj.gov/njded/grants/nclb/workbook.pdf>.**

iii. (No change.)

iv. For statistically viable subgroups of sixth-, seventh-, and eighth-grade students, [but not] **and** for the total student population, as an alternative to meeting the absolute criteria in (a)2i above, adequate yearly progress may be demonstrated by meeting the following safe harbor criteria:

(1)-(2) (No change.)

v. **Proficient and advanced proficient scores from the APA will be included as such in the calculation for a school or school district provided the number of those students who score at the proficient or advanced proficient level in the school district does not exceed 1.0 percent of all students in the grades assessed in language arts literacy and in mathematics. Proficient or advanced proficient APA scores above the 1.0 percent cap shall be included as partially proficient unless the school district has been granted an exception by the Department of Education.**

3. [Beginning July 1, 2003, a] **A** specified increasing percent of the total number of students tested and of each statistically viable subgroup of 11th grade students tested in a school or school district as of July 1 of their 11th grade year shall have scored at the proficient level, or higher, in all content areas assessed on the spring administration of the HSPA in their 11th grade year and/or the APA [and/or the SRA].

i. The specified increasing percent for the HSPA[, ] **and/or** the corresponding APA[, and/or the SRA] shall be determined according to the following schedule:

(1)-(4) (No change.)

ii. Statistically viable subgroups [include 20 or more economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency] **are described in the State of New Jersey Consolidated State Application Accountability Workbook, on the Department's website, at <http://www.nj.gov/njded/grants/nclb/workbook.pdf>.**

iii. (No change.)

iv. For statistically viable subgroups of 11th grade students, [but not] **and** for the total student population, as an alternative to meeting the absolute criteria in (a)3i above, adequate yearly progress may be demonstrated by meeting the following safe harbor criteria:

(1)-(2) (No change.)

v. **Proficient and advanced proficient scores from the APA will be included as such in the calculation for a school or school district provided the number of those students who score at the proficient or advanced proficient level in the school district does not exceed 1.0 percent of all students in the grades assessed in language arts literacy and in mathematics. Proficient or advanced proficient APA scores above the 1.0 percent cap shall be included as partially proficient unless the school district has been granted an exception by the Department of Education.**

[4. Beginning July 1, 2002, district boards of education shall ensure that students with disabilities and students with limited English proficiency participate in the applicable Statewide assessments.]

**4. District boards of education with a statistically viable LEP subgroup may choose to count, as LEP, former LEP students for up to two years after they have demonstrated English proficiency and exited the LEP program.**

District boards of education that choose to count former LEP students as LEP must count all former LEP students who have exited within the past two years.

i. Statistically viable subgroups are described in the State of New Jersey Consolidated State Application Accountability Workbook, on the Department's website, at <http://www.nj.gov/njded/grants/nclb/workbook.pdf>.

(b) The Department of Education, in accordance with *N.J.S.A. 18A:7A-10*, shall annually review individual school performance on applicable Statewide assessments relative to achieving the Core Curriculum Content Standards according to the criteria specified in (a)1 through 3 above.

1. District boards of education **subject to evaluation according to *N.J.A.C. 6A:30*, other than county special services school districts, educational services commissions, and jointure commissions**, shall ensure that each school which does not achieve State standards as determined by performance on applicable Statewide assessments develops and implements a school-level improvement plan including measurable objectives to address deficiencies identified by the assessments **and to comply with any correspondent Federal sanctions**.

2. District boards of education **subject to evaluation according to *N.J.A.C. 6A:30*, other than county special services school districts, educational services commissions, and jointure commissions**, shall ensure that each school which achieves State standards creates measurable school-level objectives that address improvement in any area contained within the Core Curriculum Content Standards.

3. District boards of education **subject to evaluation according to *N.J.A.C. 6A:30*, other than county special services school districts, educational services commissions, and jointure commissions**, shall submit all school-level improvement plans and objectives annually to the county superintendents as part of the quality assurance annual report (QAAR) in accordance with *N.J.A.C. 6A:30-1.4(a)1*.

4. (No change.)

(c) The Department of Education, in accordance with *N.J.A.C. 6A:30-2.1*, shall evaluate a district board of education **subject to evaluation according to *N.J.A.C. 6A:30*, other than county special services school districts, educational services commissions, and jointure commissions**, every seven years. The evaluation will be based, in part, on a district board of education's performance in achieving the proficiency levels of the Core Curriculum Content Standards as measured at each grade level in which Statewide assessments are administered.

1. A district board of education **subject to evaluation according to *N.J.A.C. 6A:30*, other than county special services school districts, educational services commissions, and jointure commissions**, may be certified if it meets the applicable criteria in (a)1 through 3 above, developed pursuant to *N.J.A.C. 6A:8-4.1(a)* and (b).

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

(a) The Department of Education shall report annually to the State Board and the public on the progress of all students **and student subgroups** in meeting the Core Curriculum Content Standards as measured by the Statewide assessment system by publishing and distributing the Department's annual New Jersey School Report Card in accordance with *N.J.S.A. 18A:7E-2* through 5 **and the New Jersey Open Public Records Act (P.L. 2001, c.404), *N.J.S.A. 47:1A-1 et seq.***

(b) The Department of Education, after each test administration, shall report to district boards of education on the performance of **all students** [with disabilities and LEP students with the same frequency and in the same detail as it reports on the assessments of all other students] **and on the performance of student subgroups**.

(c) [Beginning July 1, 2002, the] **The** Department of Education shall report performance on the APA with the same frequency and in the same detail as it reports on other Statewide assessments, including school and **school district** means and the number and percentage of participating students.

(d) (No change.)

### SUBCHAPTER 5. IMPLEMENTATION OF GRADUATION REQUIREMENTS

#### 6A:8-5.1 Graduation requirements

(a) District boards of education shall develop, adopt, and implement requirements for a State-endorsed diploma which include the following:

1. Local high school graduation requirements including one or both of the following two options:

i. Participation in a local program of study of not fewer than 110 credits in courses designed to meet all of the Core Curriculum Content Standards, including, but not limited to, the following credits:

(1)-(6) (No change.)

(7) At least five credits in world languages or student demonstration of proficiency **as set forth in ii(4) below** effective with the 2004-2005 grade nine class;

(8)-(9) (No change.)

ii. The 110-credit requirement set forth in (a)i above may be met in whole or in part through program completion as follows:

(1) District boards of education may determine and establish curricular activities or programs aimed at achieving the Core Curriculum Content Standards for promotion and graduation purposes.

(A)-(D) (No change.)

(E) Individual programs based upon specific instructional objectives aimed at meeting or exceeding the Core Curriculum Content Standards shall be on file in the [local] school district and subject to review by the Commissioner or his or her designee;

(2)-(3) (No change.)

(4) District boards of education shall choose from among the following assessment options to determine if students have achieved the level of language proficiency designated as Novice-High as defined by the American Council on the Teaching of Foreign Languages (ACTFL) and recognized as fulfilling the world languages requirement of the Core Curriculum Content Standards:

(A) The Language Learning Solutions (LLS) online assessment;

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

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

2.-4. (No change.)

5. [Starting with those students entering grade nine in the 1999-2000 academic year, the] **The** requirement that all students demonstrate proficiency in all sections of the HSPA or SRA process applicable to the class graduating in the year they meet all other graduation requirements.

6. Starting with those students graduating from an adult high school in the 2004-2005 academic year, students shall demonstrate proficiency in all sections of the HSPA or SRA process for any subjects not yet passed on a previously approved Statewide assessment required for graduation. [All students graduating from an adult high school before September 2004 may meet graduation requirements for the HSPT or SRA process.]

[7. Until superseded by the requirement under (a)5 above, the requirement that students (unless explicitly exempted by an IEP) perform at or above the proficient level in all sections of the High School Proficiency Test (HSPT) or SRA process applicable to their class as per the schedule provided by the Department for the implementation of New Jersey's Core Curriculum Content Standards.]

(b) (No change.)

(c) District boards of education, through the IEP process and pursuant to *N.J.A.C. 6A:14-4.12*, Graduation, may, for individual students with disabilities as defined in *N.J.A.C. 6A:14-1.3*, specify alternate requirements for a State-endorsed diploma [which may include the APA].

1.-2. (No change.)

(d)-(e) (No change.)

(f) District boards of education shall provide students who have not demonstrated proficiency on one or more sections of the HSPA following the 11th grade with the opportunity to demonstrate such competence through both repeated administrations of the HSPA and the SRA process.

1. District boards of education shall submit the results of the SRA process to the appropriate county superintendent of schools by March [1] 31 of each year for approval for graduation in June of the same year.

2.-4. (No change.)

[(g) Until superseded by (f) above, district boards of education shall provide students entering grade 12 who have not demonstrated proficiency in one or more sections of the HSPT with the opportunity to become eligible to graduate by demonstrating such competence through repeated administrations of the HSPT and, if necessary, through the SRA process as described in *N.J.A.C. 6A:8-4.1(d)5*.

1. District boards of education shall submit the results of the SRA process to the appropriate county superintendent of schools by March 1 of each year for approval for graduation in June of the same year.

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

3. All students of limited English proficiency shall satisfy requirements for high school graduation in accordance with the provisions of (a)1 above, except that students of limited English proficiency who enter New Jersey schools in grade nine or later may demonstrate that they have attained or exceeded the proficient level through passage of the SRA process in their native language, and/or English and passage of an English fluency assessment approved by the Department of Education.

4. Students with disabilities as defined in *N.J.A.C. 6A:14-1.3* or eligible under Section 504 of the Rehabilitation Act may demonstrate that they have attained State minimum levels of proficiency through the SRA process if specified in the student's Individualized Education Program (IEP) or Section 504 accommodation plan.]

## CHAPTER 19 VOCATIONAL-TECHNICAL EDUCATION PROGRAMS AND STANDARDS

### SUBCHAPTER 7. LOCAL APPLICATIONS FOR FUNDS

#### 6A:19-7.1 Application procedures

(a) District boards of education and other eligible agencies or institutions conducting vocational-technical education programs desiring to participate in grant programs shall make application for funds, pursuant to [*N.J.A.C. 6A:8-2.2(b)*] P.L. 105-332, to the New Jersey State Department of Education on forms provided by the Department.

(b) **The State Board, in concordance with P.L. 105-332, will include in the State Plan for Vocational Education authorization for the Commissioner to withhold from district boards of education State and Federal funds for activities in any component programs included in *N.J.S.A. 18A:54-1* et seq. when the following conditions exist:**

1. **The program is unapproved;**
2. **The activities are being implemented in a manner inconsistent with the State Plan for Vocational Education;**
3. **Students participating in external paid or unpaid structured learning experiences are exploited, illegally employed, or employed under conditions which do not provide for their health and safety; or**
4. **Teachers are not appropriately certified according to *N.J.A.C. 6A:9-13*.**

(c) **The State Board of Education assures that any district board of education and other eligible institution or agency conducting vocational-technical education programs dissatisfied with final action on any applications for funds shall be given reasonable notice and may appeal the decision as set forth in *N.J.A.C. 6A:3, Controversies and Disputes*.**

### SUBCHAPTER 8. VOCATIONAL-TECHNICAL EDUCATION PROGRAM AND COURSE APPROVAL

6A:19-8.1 Program approval process[: adoption by reference]

[(a) The standards contained in N.J.A.C. 6A:8-2, The Core Curriculum Content Standards, are adopted as program approval standards for vocational-technical education programs and courses.]

(a) The State Board will adopt a State Plan for Vocational Education pursuant to P.L. 105-332.

(b) The State Board will include in the State Plan for Vocational Education, in concordance with P.L. 105-332, authorization for the Commissioner to establish a program-approval system for aligning vocational-technical education programs with N.J.A.C. 6A:8-2, The Core Curriculum Content Standards, and the educational delivery systems from grade nine through grade 12 at the local, county, regional, and State levels. Program approval is required for vocational-technical education programs offered by school districts with approved vocational schools, comprehensive high schools, county vocational schools, and other agencies offering secondary or non-collegiate postsecondary programs. The program-approval system shall include the following:

1. District boards of education shall identify the need for vocational-technical education programs of instruction through identification of the latest labor-market demand data, the results of employer surveys, and the use of an advisory committee to plan for and operate the program;

2. District boards of education seeking to establish any new vocational-technical education programs shall request recommendations from the appropriate Workforce Investment Board (WIB) to minimize duplication of programs and to foster a unified delivery system;

3. District boards of education, upon verification of the local need to offer a vocational-technical education program and recommendation of the WIB, shall submit a completed Vocational-Technical Education Program Approval Request to the Department of Education. The Program Approval Request will include the following: program title; occupational objective of the program; documentation of the need for the program; program advisory committee; admission requirements; program structure; instructional staff plans; enrollment projections; curriculum outline; participation in vocational student organizations; facilities and equipment required; program costs; career guidance and counseling provisions; linkage programs involved; participation of special populations; evaluation; and impact on institutional capacity;

4. The Commissioner shall approve or disapprove the district board of education's request to offer a vocational-technical education program. Approval or disapproval will be based on the completeness of the application and the inclusion of data which support the establishment of the program;

5. The Commissioner, in approving programs with a regional or State designation, shall establish the criteria for admitting students from outside the school district and/or county. The admission requirements will include at least minimum academic and occupational competencies, based on the Core Curriculum Content Standards and an industry-verified competency list; and

6. District boards of education dissatisfied with the decision on the request for a vocational-technical education program approval may appeal the decision as set forth in *N.J.A.C. 6A:3, Controversies and Disputes*.

Recodify existing (b)-(c) as (c)-(d) (No change in text.)