

N.J.A.C. 6A:20, ADULT EDUCATION PROGRAMS

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CHAPTER 20. ADULT EDUCATION PROGRAMS

SUBCHAPTER 1. GENERAL PROVISIONS

6A:20-1.1 Purpose and function

- (a) The Office of Certification/Induction within the Division of Teacher and Leader Effectiveness is responsible for:
1. Providing educational leadership for the programs cited in this chapter;
 2. Evaluating the programs cited in this chapter;
 3. Supervising adult education assessment testing;
 4. Evaluating college transcripts of persons applying for a State-issued high school diploma; and
 5. Awarding State-issued high school diplomas to applicants meeting the requirements for diploma issuance.

6A:20-1.2 Definitions

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

“Accredited” means a high school, college, or university has met the criteria and standards set by the appropriate accrediting agency such as the Middle States Association.

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

“Adult high school” means a district board of education school that conducts supervised educational activities in the day or evening to provide persons 18 years of age or older with the necessary instruction to enable them to complete the requirements for a locally issued, State-endorsed diploma.

“Adult’s primary language” means the language most relied upon by an adult for communication or the language most spoken by an adult at home or work.

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

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

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

“Emancipated minor” means a person 16 or 17 years of age domiciled in an independent housing arrangement and not responsible to natural or foster parents or a guardian.

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

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

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

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

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

“Occupational license” means a certificate verifying a person has met qualifications prescribed by an issuing State agency for occupations designated by the New Jersey Department of Labor and Workforce Development.

“Official transcript” means an individual’s record of high school or college courses, grades and credits awarded or a record of General Educational Development (GED) or other adult assessment test scores.

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

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

“Proprietary school” means a privately owned school.

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

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

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

6A:20-1.3 Age and out-of-school requirements

- (a) To participate in programs described in this chapter, a person must be at least 16 years of age and no longer enrolled in school.
- (b) Requests from persons 16 or 17 years of age domiciled in a natural or foster home to participate in programs described in this chapter shall be accompanied by a certificate of consent to participate signed by a parent, guardian, probation or parole officer, State rehabilitation counselor, or a judge.
- (c) Requests from persons 16 or 17 years of age who are domiciled in a State, county, or municipal institution, or in a residential program, to participate in programs described in

this chapter shall be accompanied by a certificate of consent to participate signed by either a parent or guardian, or a surrogate parent when neither is available.

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

- (a) The following methods may be used to apply for a State-issued high school diploma:
1. Taking tests of General Educational Development (GED) of the American Council on Education or other adult education assessment tests approved by the State Board of Education as a basis for qualifying for a State-issued high school diploma.
 - i. Statewide standard scores for passage of GED tests or other adult education assessment tests shall be the minimum passing standard set by the respective test vendor and accepted by resolution of the State Board of Education.
 - ii. All persons who took GED tests prior to April 1, 2005, shall remain subject to New Jersey's minimum passing score requirements in effect at the time of test taking.
 - iii. Persons requesting a State-issued high school diploma based on the evaluation of college coursework, or a copy of a GED transcript and diploma verification, shall do so in the form of a written request signed by the person making the request. Persons seeking evaluation of college coursework shall provide an official transcript from each academic institution from which coursework is to be evaluated. A request for a copy of a GED transcript shall be submitted to the Department by letter and signed by the person making the request.
 2. Requests for the evaluation of college coursework shall be done in the form of a written request signed by the person making the request, and by submitting an official transcript from each academic institution from which coursework is to be evaluated. A person who qualifies will have 30 general education credits leading to a degree at an accredited institution of higher education. Persons meeting these

requirements will receive a State-issued high school diploma and diploma verification letter.

- i. Included in the 30 general education credits must be a minimum of three credits each in: English language arts; mathematics; science; and social studies, and six total credits in visual and performing arts; comprehensive health and physical education; world languages; technology; and 21st century life and careers.
 - ii. Remedial college courses shall not count toward the requirement.
 - iii. The minimum average grade for the 30 credits shall be a C or 2.0.
- (b) Persons seeking to qualify for a State-issued high school diploma as outlined in this section shall be at least 16 years of age and out of school. Exceptions to the age requirement may be made by the Commissioner for persons under 16 years of age who have otherwise met all State high school graduation requirements. Such a determination shall be made on a case-by-case basis considering extraordinary academic or personal achievement.

6A:20-1.5 Fees

- (a) Persons submitting applications for a State-issued high school diploma by examination or reexamination shall pay a fee appropriate to the test(s), which have been adopted by resolution of the State Board of Education. Upon application to take or retake a high school equivalency test, an applicant shall be presented with a document verifying payment of the appropriate fee and designating a six-month time frame during which the applicant may take the equivalency test or reexaminations. Applicants shall present the payment certification document at the time of testing.
- (b) By contractual agreement with the Department, the New Jersey Department of Corrections, the Juvenile Justice Commission, and the Department of Human Services

may agree to pay for and administer the test to persons housed under these agencies' custody and supervision without charge to the candidate.

6A:20-1.6 Monitoring

- (a) The Commissioner shall monitor all programs described in this chapter pursuant to N.J.S.A. 18A:48-1 and 18A:49-1 through 18A:50-14, and the Adult Education and Family Literacy Act of 1998, 20 U.S.C. §§ 9201 et seq., to ensure each program is performing according to the standards and procedures prescribed by law and rule.
- (b) The monitoring procedure shall be as follows:
 - 1. The Assistant Commissioner for Teacher and Leader Effectiveness shall establish a monitoring schedule annually.
 - 2. Each chief school and agency administrator and program director responsible for adult programs described in this chapter shall be notified in advance by the Assistant Commissioner of the date established for the monitoring visit.
 - 3. Prior to the monitoring visit, each chief school and agency administrator and program director responsible for the adult programs described in this chapter shall receive a copy of the monitoring instrument prescribed by the Commissioner containing the specific indicators as noted in N.J.A.C. 6A:20-2.6 and 3.3 needed to demonstrate satisfactory program performance.
- (c) Based upon the monitoring findings, the Assistant Commissioner shall determine whether to recommend the continuation or suspension of the program to the Commissioner.
- (d) All programs cited in this chapter shall be monitored by June 1, 2014, and once every five years thereafter.
- (e) Staff of the Adult Education section of the Division of Teacher and Leader Effectiveness shall conduct monitoring and shall record findings using worksheets prescribed by the

Assistant Commissioner, and review the findings with the chief school or agency administrator and director responsible for the adult program.

- (f) The Assistant Commissioner shall send a formal notification of findings to the chief school or agency administrator responsible for the program within 20 work days of the completion of the monitoring visit. The notification shall contain:
 - 1. Copies of completed worksheets; and
 - 2. A recommendation that the program be continued or suspended by the Commissioner.
- (g) A chief school or agency administrator notified that the Assistant Commissioner will recommend to the Commissioner that an adult program to be suspended shall be granted 60 calendar days from receipt of the notification to document to the Commissioner that the unacceptable findings have been corrected.
- (h) Any adult program that does not correct deficiencies within the 60-calendar-day period shall be suspended by the Commissioner, in accordance with the procedure established under N.J.A.C. 6A:3-3.1.

SUBCHAPTER 2. ADULT HIGH SCHOOLS

6A:20-2.1 General provisions

- (a) A school district board of education may open and operate adult high schools, which shall offer adults opportunity, accessibility, and flexibility while maintaining high standards inherent in the awarding of a high school diploma pursuant to N.J.S.A. 18A:49-1 et seq., 18A:50-1 et seq., and 18A:50A-1 et seq.. Courses shall be sufficiently varied for meeting the educational needs of adults and shall be designed to challenge participants to achieve their highest level of educational ability.

- (b) For each student in an adult high school program, an educational plan shall be developed reflecting the student's past academic record, an analysis of past experiences for which credit may be awarded, graduation requirements, and a proposed schedule of courses for the current school year leading to completion of graduation requirements.

6A:20-2.2 Eligibility for enrollment

- (a) To qualify for enrollment in an adult high school, a person shall:
1. Be a New Jersey resident;
 2. Meet the age and out-of-school requirement at N.J.A.C. 6A:20-1.3;
 - i. A person enrolled in secondary school with senior standing who lacks an opportunity to take at his or her secondary school courses that are available in an adult high school shall be exempt from the out-of-school requirement provisions of N.J.A.C. 6A:20-1.3 provided the chief school administrators of both the sending and receiving school districts approve in a written joint agreement the participation of such a person on a space-available basis in an adult high school. The written approval shall explicitly state the course(s) to be taken and the time frame covered by the agreement. Tuition established by the receiving school district on a cost-recovery basis may be charged to the sending school district for persons enrolled under this exception;
 3. Have not earned a locally issued, State-endorsed high school diploma;
 - i. Persons holding locally issued high school diplomas may enroll in an adult high school on a space-available basis for the express purpose of supplementing their high school record. Tuition established by the host

school district on a cost-recovery basis may be charged to persons enrolling under this exception; and

4. Complete and sign an application for enrollment including a statement of responsibilities.

6A:20-2.3 Adults with special needs

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

1. Limited English proficient adults shall be referred to appropriate classes in the adult high school to attain English language proficiency. If the language improvement needs of the adult cannot be met by the adult high school, then the principal shall refer the person to the nearest adult program with staff available to meet the adult's needs.

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

1. The principal shall review the IEP to determine the services required by the plan and also the availability of such services at the adult high school.
 - i. If the IEP can be carried out, it shall serve as the instructional guide for the adult.
 - ii. If the principal determines the IEP cannot be carried out, the principal shall promptly refer the adult to the nearest adult high school with staff

available to offer the special services required in the IEP or to appropriate county or State agencies or institutions with resources and personnel able to serve the special needs of the adult.

2. If the evaluation was made more than three years prior to application to the adult high school, the IEP may not serve as a guide for the adult's instructional program at the adult high school.
- (c) Disabled adults without previous experience in a special education program or individuals with IEPs that have been issued more than three years prior to their application to the adult high school shall be counseled regarding educational options that would lead to high school graduation, and shall be served to the maximum extent appropriate to the needs of the disabled adult within the capability of the program to provide such services.

6A:20-2.4 Graduation

- (a) A district board of education operating an adult high school shall adopt policies for adult high school graduation requirements pursuant to law and rule. Policies shall include passing the Statewide assessment test.
1. When adults are unable to pass the Statewide assessment test, there shall be further evaluation through the Alternative High School Assessment pursuant to N.J.A.C. 6A:8, Standards and Assessments.
 2. When limited English proficient adults are unable to pass the Statewide assessment test, they shall be further evaluated through the Alternative High School Assessment pursuant to N.J.A.C. 6A:8 and shall demonstrate English language fluency on a State-approved English proficiency assessment as a requirement for graduation.

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

6A:20-2.5 Award of credit

- (a) A district board of education operating an adult high school shall annually adopt at a public meeting policies that provide for the awarding of credit, subject to the following:
 - 1. Credits verified by an official transcript may be transferred from accredited or State-approved high schools or institutions. Experiences being considered for transferred credit from proprietary schools or public vocational training programs shall be assessed in terms of proficiencies for school district courses offering similar experiences.
 - i. An official transcript shall have either of the following indicators: a raised seal or the original signature of a school administrator.

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

- ii. Completion of training shall be verified by a signed document from the registered apprentice sponsor;
 - iii. The award shall not exceed 20 credits and shall not duplicate credits awarded for work experiences, an occupational license, on-the-job training or transferred credit from an official transcript; and
 - iv. The New Jersey Department of Labor and Workforce Development shall announce periodically the apprenticeship titles eligible for the award of credit and shall determine the amount of credit to be awarded.
7. Credit may be awarded for possession of a current occupational license issued by a State agency, with the following limitations:
- i. A maximum of five credits may be awarded for a current occupational license;
 - ii. The Department shall announce periodically the occupational titles eligible for the award of credit;
 - iii. Credit may be awarded for only one occupational license; and
 - iv. Credit awarded for an occupational license shall not duplicate credit awarded for work experience, on-the-job training, apprenticeship, or transferred credit from an official transcript.
8. Credits may be awarded for on-the-job training and advanced military training with the following limitations:
- i. Five credits may be awarded for each 120 hours of on-the-job training that is formally supervised, follows a prescribed training outline, and is verified by a signed statement from the employer;
 - ii. One credit for each week of advanced military training that is verified by the Military Occupational Specialty designation on the DD-214 form may be awarded but not to exceed 10 credits; and

- iii. The combination of (a)8i and ii above shall not exceed 20 credits and may not duplicate credits for work experience, apprentice training or an occupational license.
9. The cumulative award of credit for (a)5, 6, 7, and 8 above shall not exceed 30 credits.
10. Credit may be awarded for passing a comprehensive examination with the following limitations:
- i. The award shall not exceed five credits;
 - ii. The comprehensive examination shall be part of an approved course and may be used only to award credit for a single course; and
 - iii. The comprehensive examination may not be a standardized test, such as the General Educational Development (GED) or other State approved assessment tests.
11. Credit may be awarded for remedial coursework in communications and computation only to persons who have demonstrated reading or computational proficiency below the 9.0 grade level on a commercially available, nationally normed, standardized test for adults or to persons unable to pass the Statewide assessment test.
- i. The award of credit may not exceed 20 credits in communications and 20 credits in computation.
12. Credit may be awarded for coursework in English as a second language (ESL).
- i. The award of credit in ESL may not exceed 20 credits.
 - ii. ESL courses shall be offered only as traditional courses.

6A:20-2.6 Awarding credit for foreign studies

Credit for the equivalent of American secondary school studies experienced in a foreign country shall be reviewed by a recognized foreign credential evaluation expert or service following an evaluation of transcript(s) presented by the adult. The cost of such review shall be borne by the adult student.

6A:20-2.7 Maintaining student records

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

6A:20-2.8 Staffing

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

6A:20-2.9 Special conditions

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

6A:20-2.10 Monitoring

- (a) Staff of the Department's Adult Education unit shall monitor programs cited in this subchapter pursuant to the monitoring process outlined in N.J.A.C. 6A:20-1.6.
- (b) The following indicators of program quality with associated measures of performance shall be used by the monitoring teams in carrying out the monitoring process in adult high schools:
 - 1. Learners demonstrate progress toward attainment of secondary school level competencies that support their educational needs and goals. Measures of performance shall include:
 - i. Standardized test score gains;
 - ii. HSPA score data;
 - iii. Teacher reports of gains and improvements in computation and/or communications and/or life skills competencies; and
 - iv. Student goals and the identification of student skill needs, student comments and feedback, and examples of student work.
 - 2. Learners progress according to their abilities in the instructional program or complete program educational requirements that allow them to continue their education or training or achieve their personal educational goals. Measures of performance shall include:
 - i. Student advancement to higher levels of skill or competency in the academic and training community;
 - ii. Attainment of a district adult high school diploma; and
 - iii. Attainment of a stated personal goal.
 - 3. Based on a participatory planning process, the program develops, implements, evaluates, and revises, as needed, written program goals. Measures of performance shall include:

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

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

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