



August 5, 2016

GRADUATION IS NO LONGER A WALK IN THE PARCC

By: Joseph L. Roselle, Esq.

On August 3, 2016, the New Jersey State Board of Education adopted new regulations which require students to meet stricter high school graduation requirements. The modified regulations, which will be codified at N.J.A.C. 6A:8-5.1 and go into effect with the graduating class of 2021, require students to achieve a passing score on the Partnership for Assessment of Readiness for College and Careers (“PARCC”) examination in both Algebra 1 and 10th grade English language arts, prior to being permitted to graduate from high school.

Students who do not pass the PARCC exam may only meet graduation requirements by utilizing the portfolio appeals process, which is defined in the regulations as an “alternative assessment of proficiency for graduation established by the Commissioner, utilizing techniques and instruments other than PARCC assessments or substitute competency tests.” The use of this process is limited in practice, however, and the effect of the new regulations will be to essentially remove a student’s ability to refuse to take the PARCC exam and still graduate.

In response to public concern that high school graduation would be dependent upon passing the PARCC exam, the Department of Education responded that the use of a statewide standard assessment for graduation is a statutory requirement that could not be ignored. In addition, the Department of Education noted that the portfolio appeals process, which includes a review of student coursework and performance-based assessments, has been in place for some time and remains available for use as an alternate method to meet graduation requirements if students struggle on the test itself.

The Department of Education instituted a five-year implementation period for the new requirements. Accordingly, students in the graduating classes of 2017, 2018, 2019 or 2020 may still graduate by either passing the PARCC exam, completing the portfolio appeals process or achieving a passing score on a substitute test which corresponds to the PARCC exam in English language arts and mathematics.

Importantly, the State Board’s action does not remove the right of a local board of education to establish additional graduation requirements which complement, but do not infringe upon, the State’s requirements. Therefore, each school district may establish its own requirements for graduation, so long as each graduating student also meets the State’s requirements as outlined in the new regulations.

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In light of these impending requirements, however, school boards should prepare to update their policies regarding high school graduation and standardized testing requirements. District administrators may also wish to review curriculum and current end-of-year assessments in order to ensure that future students are prepared for graduation, as well as begin to develop a plan to address these issues. If you have any questions regarding the effect of these new requirements, or would like assistance in preparing for the implementation of these regulations in the future, please do not hesitate to contact the school law attorneys at SPSK.

DISCLAIMER: This Client Alert is designed to keep you aware of recent developments in the law. It is not intended to be legal advice, which can only be given after the attorney understands the facts of a particular matter and the goals of the client. If someone you know would like to receive this Client Alert, please send a message to Joseph L. Roselle, Esq., counsel at Schenck, Price Smith & King's School Law Practice Group at jlrspsk.com.

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