

[First Reprint]

**SENATE, No. 3381**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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INTRODUCED JANUARY 24, 2019

**Sponsored by:**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**SYNOPSIS**

Revises provisions of law concerning graduation proficiency test and eliminates requirement that graduation proficiency test be administered in eleventh grade.

**CURRENT VERSION OF TEXT**

As reported by the Senate Budget and Appropriations Committee on February 7, 2019, with amendments.



S3381 [1R] RUIZ

2

1 AN ACT concerning State assessment requirements for high school  
2 graduation and amending P.L.1979, c.241, P.L.1988, c.168, and  
3 P.L.1995, c.235.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. Section 1 of P.L.1979, c.241 (C.18A:7C-1) is amended to  
9 read as follows:

10 1. By July 1, 1980 the Commissioner of Education with the  
11 approval of the State Board of Education shall establish a program  
12 of standards for graduation from secondary school. Such a  
13 program shall include, but not be limited to:

14 a. The development or designation of a Statewide assessment  
15 **[test]** or assessments in reading, writing and computational skills to  
16 be administered to all **[secondary school]** pupils as provided  
17 **[herein]** pursuant to section 6 of P.L.1979, c.241 (C.18A:7C-6);

18 b. Clear and explicit Statewide levels of high school  
19 proficiency <sup>1</sup>**[and college and career readiness]**<sup>1</sup> in reading, writing  
20 and computational skills to be demonstrated as a minimum  
21 requirement for high school graduation;

22 c. Guidelines for the development of graduation standards by  
23 local boards of education;

24 d. Guidelines for remediation procedures for pupils who fail to  
25 meet graduation standards; and

26 e. Guidelines for graduation standards for those pupils  
27 classified pursuant to chapter 46 of Title 18A of the New Jersey  
28 Statutes.

29 (cf: P.L.1979, c.241, s.1)

30  
31 2. Section 2 of P.L.1979, c.241 (C.18A:7C-2) is amended to  
32 read as follows:

33 2. Pursuant to guidelines established by the Commissioner of  
34 Education, each board of education shall establish standards for  
35 graduation from its secondary schools. The standards shall include,  
36 but need not be limited to:

37 a. Satisfactory performance on the Statewide assessment **[test]**  
38 or assessments as provided for in section 1 of P.L.1979, c.241  
39 (C.18A:7C-1) and section 6 of P.L.1979, c.241 (C.18A:7C-6);

40 b. Demonstration of proficiencies in those subject areas and  
41 skills identified by the board as necessary for graduation other than  
42 those assessed by the Statewide assessment **[tests]** or assessments.

43 The Commissioner of Education shall monitor local plans for the

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SBA committee amendments adopted February 7, 2019.

1 assessment of proficiencies required for graduation including  
2 techniques and instruments to be used to determine pupil  
3 proficiency; required programs designed to provide the opportunity  
4 for pupils to progress toward the mastery of proficiencies required  
5 for graduation; and remediation programs for pupils who fail to  
6 meet graduation proficiency standards in order to assure compliance  
7 with the requirement of P.L.1979, c.241 (C.18A:7C-1 et seq.).

8 The Commissioner of Education shall, upon request of the local  
9 board, provide such technical assistance as may be necessary to aid  
10 a district in the planning, implementation and evaluation of  
11 graduation standards.

12 (cf: P.L.1996, c.138, s.46)

13

14 3. Section 3 of P.L.1979, c.241 (C.18A:7C-3) is amended to  
15 read as follows:

16 3. For any student who does not meet the State and district  
17 **【examination】** assessment standards for graduation **【by the end of**  
18 **11th grade】**, the local board of education when appropriate shall  
19 provide additional remedial instruction specifically directed toward  
20 mastery of those proficiencies identified as necessary for the  
21 awarding of a diploma which may include but need not be limited to  
22 an extended school year, extended school day, or additional school  
23 years.

24 Any **【12th grade】** student who does not meet said requirements  
25 but who has taken the requisite assessment or assessments pursuant  
26 to section 6 of P.L.1979, c.241 (C.18A:7C-6) and who has met all  
27 the credit, curriculum and attendance requirements shall be eligible  
28 for a comprehensive assessment of said proficiencies utilizing  
29 techniques and instruments other than standardized tests, which  
30 techniques and instruments shall have been approved by the  
31 Commissioner of Education as fulfilling State and local graduation  
32 requirements.

33 (cf: P.L.1988, c.168, s.1)

34

35 4. Section 4 of P.L.1979, c.241 (C.18A:7C-4) is amended to  
36 read as follows:

37 4. All students who meet State and local graduation  
38 requirements shall receive a State endorsed diploma; provided,  
39 however, that the Commissioner of Education shall approve any  
40 State endorsed diploma which utilizes the comprehensive  
41 assessment techniques as provided in section 3 of P.L. 1979, c. 241  
42 (C. 18A:7C-3).

43 Local districts may not provide a high school diploma to students  
44 not meeting these standards. Any out-of-school youth or adult age  
45 18 or over who has otherwise met the district graduation  
46 requirements but has failed to earn a State endorsed diploma may  
47 take the graduation **【proficiencies test】** proficiency assessment or

1 assessments which **【has】** have been developed or designated and  
2 administered under the auspices of the Commissioner of Education  
3 pursuant to section 1 of P.L.1979, c.241 (C.18A:7C-1) and section 6  
4 of P.L.1979, c.241 (C.18A:7C-6). Upon passing **【this test】** the  
5 assessment or assessments, a State endorsed diploma will be  
6 granted.

7 Each board of education shall provide, in a format approved by  
8 the Commissioner of Education, a performance transcript for each  
9 student leaving secondary school.  
10 (cf: P.L.1988, c.168, s.2)

11

12 5. Section 6 of P.L.1979, c.241 (C.18A:7C-6) is amended to  
13 read as follows:

14 6. **【In the school year which begins in September 1993, and**  
15 **annually thereafter, the State graduation proficiency test shall be**  
16 **administered to all 11th grade pupils and to any 11th or 12th grade**  
17 **pupil who has previously failed to demonstrate mastery of State**  
18 **graduation proficiency standards on said test】** The State shall  
19 administer an assessment or assessments designed to test high  
20 school proficiency <sup>1</sup>**【and college and career readiness】**<sup>1</sup>. Any pupil  
21 who initially does not demonstrate proficiency on the assessment or  
22 assessments shall be given an opportunity to retest. The mastery of  
23 proficiencies required to fulfill local graduation standards shall be  
24 determined as appropriate under local board of education  
25 assessment plans.

26 Students in the graduating classes of 2019 and 2020 shall be  
27 deemed to have met the graduation assessment requirements if they  
28 satisfy the State Board of Education regulations that were in place  
29 as of December 30, 2018 concerning graduation assessment  
30 requirements for the class of 2019.

31 For the graduating classes of 2021 and thereafter, the graduation  
32 proficiency assessment or assessments shall be developed or  
33 designated by the Commissioner of Education, with the approval of  
34 the State Board of Education, as provided pursuant to section 1 of  
35 P.L.1979, c.241 (C.18A:7C-1).

36 (cf: P.L.1988, c.168, s.3)

37

38 6. Section 5 of P.L.1988, c.168 (C.18A:7C-6.1) is amended to  
39 read as follows:

40 5. In the development or designation of the graduation  
41 proficiency **【test】** assessment or assessments to be administered **【to**  
42 **all 11th grade pupils】** pursuant to section 6 of P.L.1979, c.241  
43 (C. 18A:7C-6), the Commissioner of Education shall consult with  
44 educators, parents, students, business and community  
45 representatives and members of minority groups. The **【test】**  
46 assessment or assessments shall measure **【those basic】** high school  
47 proficiency <sup>1</sup>**【and the college and career readiness】**<sup>1</sup> skills all

1 students must possess to function politically, economically and  
2 socially in a democratic society.

3 (cf: P.L.1988, c.168, s.5)

4

5 7. Section 4 of P.L.1988, c.168 (C.18A:7C-6.2) is amended to  
6 read as follows:

7 4. The Commissioner of Education shall develop and  
8 administer to all eighth grade pupils in the school year which begins  
9 in September 1990, and annually thereafter, a test to assess progress  
10 toward mastery of State graduation proficiency standards. For any  
11 student not meeting established examination standards, the local  
12 board of education shall provide for appropriate remediation in  
13 areas of demonstrated deficiency. Appropriate remediation may  
14 include after school, weekend and summer programs.

15 The local board of education shall provide all students with  
16 appropriate instructional support and preparation to meet the State  
17 graduation proficiency standards.

18 (cf: P.L.1990, c.52, s.36)

19

20 8. Section 7 of P.L.1979, c.241 (C.18A:7C-7) is amended to  
21 read as follows:

22 7. The local chief school administrators shall report annually to  
23 their local boards of education and to the Commissioner of  
24 Education the number of students who completed the twelfth grade  
25 course requirements and were denied a diploma and the number of  
26 students who received State endorsed diplomas;

27 a. By successfully completing the Statewide assessment **[tests]**  
28 or assessments and local requirements;

29 b. By using the comprehensive assessment techniques and  
30 meeting local requirements, and were not classified pursuant to  
31 chapter 46 of Title 18A of the New Jersey Statutes; and

32 c. By using the comprehensive assessment techniques, meeting  
33 local requirements, and were classified pursuant to chapter 46 of  
34 Title 18A of the New Jersey Statutes.

35 This report to the commissioner shall be included as a portion of  
36 the district annual report required under section 11 of P.L.1975, c.  
37 212 (C. 18A:7A-11).

38 (cf: P.L.1979, c.241, s.7)

39

40 9. Section 7 of P.L.1988, c.168 (C.18A:7C-10) is amended to  
41 read as follows:

42 7. Not later than September 1, 1989 and annually thereafter, the  
43 Commissioner of Education shall report to the Governor and  
44 Legislature on the impact of the State graduation proficiency **[test]**  
45 assessment or assessments required pursuant to section 6 of  
46 P.L.1979, c.241 (C.18A:7C-6). In addition to including data on  
47 **[test]** assessment performance of students, this annual report shall  
48 include data on the number of students who have dropped out of

1 school, the number of students who have failed to take the **【test】**  
2 assessment or assessments, curriculum realignments in grades K-12  
3 to prepare students for the **【examination】** assessment or  
4 assessments, analysis of remediation efforts for students who have  
5 failed the **【examination】** assessment or assessments, testing  
6 requirements and practices in grades K-8 and any other related  
7 matters requested by the Chairman of the Joint Committee on the  
8 Public Schools or the chairman of the education committee of either  
9 House of the Legislature. The report shall also enumerate the  
10 efforts by the Department of Education to assist local school  
11 districts in the areas of pupil retention, curriculum alignment and  
12 remediation.

13 (cf: P.L.1988, c.168, s.7)

14

15 10. Section 8 of P.L.1988, c.168 (C.18A:7C-11) is amended to  
16 read as follows:

17 8. a. Not later than September 1, 1990 the Joint Committee on  
18 the Public Schools shall evaluate and report to the Legislature on  
19 the status of proficiency testing in the public schools of New Jersey.  
20 Among other topics the report shall specifically address: (1) how  
21 New Jersey's testing program compares to that in other states, (2)  
22 the advisability of requiring State administered tests in elementary  
23 grades, and (3) whether any changes in the statutes providing for  
24 the State graduation proficiency **【test】** assessment or assessments  
25 are appropriate. The committee's analysis shall include an  
26 evaluation of all provisions of this amendatory and supplementary  
27 act and any recommendations for additional legislation. The joint  
28 committee shall use the funds appropriated or otherwise made  
29 available, in addition to all other resources to which the committee  
30 may have access, to secure the expertise necessary to conduct this  
31 evaluation and shall report its findings to the Governor and  
32 Legislature.

33 b. Beginning in 1991, the Joint Committee on the Public  
34 Schools shall undertake an annual evaluation of the report  
35 submitted to the Legislature by the Commissioner of Education  
36 pursuant to section 7 of this amendatory and supplementary act.

37 (cf: P.L.1988, c.168, s.8)

38

39 11. Section 3 of P.L.1995, c.235 (C.18A:7E-3) is amended to  
40 read as follows:

41 3. Report cards issued pursuant to section 2 of this act shall  
42 include, but not be limited to, the following information for:

43 a. the school district and for each school within the district, as  
44 appropriate:

45 (1) results of the elementary assessment programs;

46 (2) results of the Early Warning Test;

- 1 (3) results of the **【High School Proficiency Test】** graduation
- 2 proficiency assessment or assessments administered pursuant to
- 3 section 6 of P.L.1979, c.241 (C.18A:7C-6);
- 4 (4) daily attendance records for students and professional staff;
- 5 (5) student graduation and dropout rates;
- 6 (6) annual student scores on the Scholastic Aptitude Test;
- 7 (7) total student enrollment, percentage of limited English
- 8 proficient students, percentage of students in advanced placement
- 9 courses, and any other school characteristics which the
- 10 commissioner deems appropriate;
- 11 (8) instructional resources including teacher/student ratio,
- 12 average class size and amount of instructional time per day, as
- 13 calculated by formulas specified by the commissioner;
- 14 (9) a written narrative by the school principal or a designee
- 15 which describes any special achievements, events, problems or
- 16 initiatives of the school or district;
- 17 (10) data identifying the number and nature of all reports of
- 18 harassment, intimidation, or bullying;
- 19 (11) indicators of student career readiness;
- 20 (12) the number and percentage of students who were chronically
- 21 absent, as defined in rules and regulations promulgated by the
- 22 Commissioner of Education within 90 days of the effective date of
- 23 P.L.2018, c.23 (C.18A:38-25.1 et al.), including the number and
- 24 percentage of students who were chronically absent disaggregated
- 25 by multiple student subgroups to be determined by the
- 26 commissioner ; and
- 27 (13) the number and percentage of students who received a
- 28 disciplinary suspension; and
- 29 b. the school district, as appropriate:
- 30 (1) per pupil expenditures and State aid ratio;
- 31 (2) percent of budget allocated for salaries and benefits of
- 32 administrative personnel;
- 33 (3) percent of budget allocated for salaries and benefits of
- 34 teachers;
- 35 (4) percentage increase over the previous year for salaries and
- 36 benefits of administrative and instructional personnel;
- 37 (5) the number of administrative personnel and the ratio of
- 38 administrative personnel to instructional personnel;
- 39 (6) a profile of the most recent graduating class concerning
- 40 their educational or employment plans following graduation; and
- 41 (7) any other information which the commissioner deems
- 42 appropriate.

43 For the purposes of this section, the Commissioner of Education  
44 shall establish a uniform methodology for the reporting of the data  
45 concerning administrative personnel on a full-time equivalent basis.  
46 (cf: P.L.2018, c.23, s.1)

47

48 12. This act shall take effect immediately.