

ASSEMBLY, No. 1624

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Assemblywoman PAMELA R. LAMPITT
District 6 (Burlington and Camden)

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

Introduced Pending Technical Review by Legislative Counsel.



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 read
9 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 of
12 standards for graduation from secondary school. Such a program
13 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 be
16 administered to all **【secondary school】** pupils as provided **【herein】**
17 pursuant to section 6 of P.L.1979, c.241 (C.18A:7C-6);

18 b. Clear and explicit Statewide levels of high school proficiency
19 in reading, writing and computational skills to be demonstrated as a
20 minimum requirement for high school graduation;

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

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

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

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

28
29 2. Section 2 of P.L.1979, c.241 (C.18A:7C-2) is amended to
30 read as follows:

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

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

38 b. Demonstration of proficiencies in those subject areas and
39 skills identified by the board as necessary for graduation other than
40 those assessed by the Statewide assessment **【tests】** or assessments.

41 The Commissioner of Education shall monitor local plans for the
42 assessment of proficiencies required for graduation including
43 techniques and instruments to be used to determine pupil
44 proficiency; required programs designed to provide the opportunity
45 for pupils to progress toward the mastery of proficiencies required

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.

1 for graduation; and remediation programs for pupils who fail to
2 meet graduation proficiency standards in order to assure compliance
3 with the requirement of P.L.1979, c.241 (C.18A:7C-1 et seq.).

4 The Commissioner of Education shall, upon request of the local
5 board, provide such technical assistance as may be necessary to aid
6 a district in the planning, implementation and evaluation of
7 graduation standards.

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

9
10 3. Section 3 of P.L.1979, c.241 (C.18A:7C-3) is amended to
11 read as follows:

12 3. For any student who does not meet the State and district
13 **【examination】** assessment standards for graduation **【by the end of**
14 **11th grade】**, the local board of education when appropriate shall
15 provide additional remedial instruction specifically directed toward
16 mastery of those proficiencies identified as necessary for the
17 awarding of a diploma which may include but need not be limited to
18 an extended school year, extended school day, or additional school
19 years.

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

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

30
31 4. Section 4 of P.L.1979, c.241 (C.18A:7C-4) is amended to
32 read as follows:

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

39 Local districts may not provide a high school diploma to students
40 not meeting these standards. Any out-of-school youth or adult age
41 18 or over who has otherwise met the district graduation
42 requirements but has failed to earn a State endorsed diploma may
43 take the graduation **【proficiencies test】** proficiency assessment or
44 assessments which **【has】** have been developed or designated and
45 administered under the auspices of the Commissioner of Education
46 pursuant to section 1 of P.L.1979, c.241 (C.18A:7C-1) and section 6
47 of P.L.1979, c.241 (C.18A:7C-6). Upon passing **【this test】** the

1 assessment or assessments, a State endorsed diploma will be
2 granted.

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

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

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

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

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

31 (cf: P.L.1988, c.168, s.3)
32

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

35 5. In the development or designation of the graduation
36 proficiency **【test】** assessment or assessments to be administered **【to all**
37 **11th grade pupils】** pursuant to section 6 of P.L.1979, c.241
38 (C. 18A:7C-6), the Commissioner of Education shall consult with
39 educators, parents, students, business and community representatives
40 and members of minority groups. The **【test】** assessment or
41 assessments shall measure **【those basic】** high school proficiency skills
42 all students must possess to function politically, economically and
43 socially in a democratic society.

44 (cf: P.L.1988, c.168, s.5)
45

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

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

9 The local board of education shall provide all students with
10 appropriate instructional support and preparation to meet the State
11 graduation proficiency standards.

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

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

16 7. The local chief school administrators shall report annually to
17 their local boards of education and to the Commissioner of
18 Education the number of students who completed the twelfth grade
19 course requirements and were denied a diploma and the number of
20 students who received State endorsed diplomas;

21 a. By successfully completing the Statewide assessment **【tests】**
22 or assessments and local requirements;

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

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

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

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

33
34 9. Section 7 of P.L.1988, c.168 (C.18A:7C-10) is amended to
35 read as follows:

36 7. Not later than September 1, 1989 and annually thereafter, the
37 Commissioner of Education shall report to the Governor and
38 Legislature on the impact of the State graduation proficiency **【test】**
39 assessment or assessments required pursuant to section 6 of
40 P.L.1979, c.241 (C.18A:7C-6). In addition to including data on
41 **【test】 assessment** performance of students, this annual report shall
42 include data on the number of students who have dropped out of
43 school, the number of students who have failed to take the **【test】**
44 assessment or assessments, curriculum realignments in grades K-12
45 to prepare students for the **【examination】 assessment or**
46 assessments, analysis of remediation efforts for students who have
47 failed the **【examination】 assessment or assessments**, testing

1 requirements and practices in grades K-8 and any other related
2 matters requested by the Chairman of the Joint Committee on the
3 Public Schools or the chairman of the education committee of either
4 House of the Legislature. The report shall also enumerate the
5 efforts by the Department of Education to assist local school
6 districts in the areas of pupil retention, curriculum alignment and
7 remediation.

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

9
10 10. Section 8 of P.L.1988, c.168 (C.18A:7C-11) is amended to
11 read as follows:

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

28 b. Beginning in 1991, the Joint Committee on the Public
29 Schools shall undertake an annual evaluation of the report
30 submitted to the Legislature by the Commissioner of Education
31 pursuant to section 7 of this amendatory and supplementary act.
32 (cf: P.L.1988, c.168, s.8)

33
34 11. Section 3 of P.L.1995, c.235 (C.18A:7E-3) is amended to
35 read as follows:

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

38 a. the school district and for each school within the district, as
39 appropriate:

40 (1) results of the elementary assessment programs;

41 (2) results of the Early Warning Test;

42 (3) results of the **【High School Proficiency Test】** graduation
43 proficiency assessment or assessments administered pursuant to
44 section 6 of P.L.1979, c.241 (C.18A:7C-6);

45 (4) daily attendance records for students and professional staff;

46 (5) student graduation and dropout rates;

47 (6) annual student scores on the Scholastic Aptitude Test;

(7) total student enrollment, percentage of limited English proficient students, percentage of students in advanced placement courses, and any other school characteristics which the commissioner deems appropriate;

(8) instructional resources including teacher/student ratio, average class size and amount of instructional time per day, as calculated by formulas specified by the commissioner;

(9) a written narrative by the school principal or a designee which describes any special achievements, events, problems or initiatives of the school or district;

(10) data identifying the number and nature of all reports of harassment, intimidation, or bullying;

(11) indicators of student career readiness;

(12) the number and percentage of students who were chronically absent, as defined in rules and regulations promulgated by the Commissioner of Education within 90 days of the effective date of P.L.2018, c.23 (C.18A:38-25.1 et al.), including the number and percentage of students who were chronically absent disaggregated by multiple student subgroups to be determined by the commissioner ; and

(13) the number and percentage of students who received a disciplinary suspension; and

b. the school district, as appropriate:

(1) per pupil expenditures and State aid ratio;

(2) percent of budget allocated for salaries and benefits of administrative personnel;

(3) percent of budget allocated for salaries and benefits of teachers;

(4) percentage increase over the previous year for salaries and benefits of administrative and instructional personnel;

(5) the number of administrative personnel and the ratio of administrative personnel to instructional personnel;

(6) a profile of the most recent graduating class concerning their educational or employment plans following graduation; and

(7) any other information which the commissioner deems appropriate.

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

12. This act shall take effect immediately.

STATEMENT

Under current law, P.L.1979, c.241 (C.18A:7C-1 et seq.), the Commissioner of Education and the State Board of Education are

1 required to establish a program of standards for graduation from
2 high school, including the development of a Statewide assessment
3 test in reading, writing, and computational skills. The State
4 graduation proficiency test is required to be administered to all 11th
5 grade students, and to any 11th or 12th grade student who has not
6 yet demonstrated proficiency on the test.

7 This bill amends the provisions of current law concerning the
8 graduation proficiency test to provide for the development or
9 designation of a Statewide assessment or assessments in reading,
10 writing, and computational skills. The bill also eliminates the
11 requirement that the assessment be administered specifically in the
12 11th grade. Under the bill, the State will be required to administer
13 an assessment or assessments designed to test high school
14 proficiency, and any student who initially does not demonstrate
15 proficiency on the assessment or assessments must be given an
16 opportunity to retest. It is the committee's understanding that high
17 school proficiency includes college and career readiness. Being
18 college and career ready means that a high school graduate has the
19 English and mathematics knowledge and skills necessary to enter
20 and succeed in postsecondary opportunities, whether college or
21 career, without need for remediation.

22 The bill contains a grandfather provision for students in the
23 graduating classes of 2019 and 2020, providing that these students
24 will be deemed to have met graduation assessment requirements if
25 they satisfy the State Board of Education regulations that were in
26 place as of December 30, 2018 concerning graduation assessment
27 requirements for the class of 2019.

28 The bill also amends current law to provide that a student who
29 has not met all graduation standards but who has met all credit,
30 curriculum, and attendance requirements, must have taken the
31 graduation proficiency assessment or assessments in order to be
32 eligible for a comprehensive assessment of proficiencies utilizing
33 techniques other than standardized tests as provided in section 3 of
34 P.L.1979, c.241 (C.18A:7C-3).