

ASSEMBLY, No. 5365

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 23, 2021

Sponsored by:

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

Assemblywoman SHAVONDA E. SUMTER

District 35 (Bergen and Passaic)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Co-Sponsored by:

Assemblywoman Jasey

SYNOPSIS

Permits parent or guardian to request grade retention for student during 2021-2022 school year.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/12/2021)

1 AN ACT concerning grade retention during the 2021-2022 school
2 year.

3
4 BE IT ENACTED by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. The Legislature finds and declares that:

8 a. School closures and the widespread use of virtual or remote
9 instruction caused by the COVID-19 pandemic have presented an
10 extraordinary challenge to students, the parents and guardians of
11 students, and the education community at-large.

12 b. Although the increased use of virtual or remote instruction
13 has been necessary in order to limit the transmission of COVID-19,
14 research has shown that the use of such instruction may lead to a
15 gap in learning gains that students may have otherwise experienced
16 had they been learning through in-person instruction.

17 c. In addition to the concerns surrounding gaps in learning, the
18 widespread use of virtual or remote instruction may also impact
19 students' social and emotional well-beings in ways that are difficult
20 for school district staff to detect and address through virtual or
21 remote means.

22 d. As students continue to learn in virtual or remote
23 environments, parents are placed in a unique position to observe the
24 effects that the COVID-19 pandemic is having on their children's
25 educational progress.

26 e. In many instances, the parents of students learning virtually or
27 remotely are witnessing first-hand the impacts of the current shift
28 away from in-person instruction as they assist their children in
29 adapting to the complexities of learning during the COVID-19
30 pandemic.

31 f. Given the new role that parents have taken on in their
32 children's education during this unprecedented time, it is fitting that
33 parents have an increased say in certain educational decisions,
34 including decisions concerning grade retention.

35
36 2. a. (1) Notwithstanding section 1 of P.L.1985, c.408
37 (C.18A:35-4.9) or any other law or regulation to the contrary, for
38 the 2021-2022 school year, a school district shall permit a student
39 enrolled in any of the grades kindergarten through eight during the
40 2020-2021 school year to repeat the same grade level in which the
41 student was enrolled during the 2020-2021 school year, provided
42 that the parent, guardian, or other person having legal custody of
43 the student submits a written request of grade retention to the
44 superintendent of the school district, in accordance with subsection
45 b. of this section, by June 30, 2021. A superintendent who receives
46 a written request of grade retention pursuant to this act by June 30,
47 2021 shall grant the request.

1 (2) A superintendent may accept a written request of grade
2 retention submitted in accordance with subsection b. of this section
3 after June 30, 2021 at the superintendent's discretion. A
4 superintendent who chooses to accept a written request of grade
5 retention pursuant to this act after June 30, 2021 shall grant the
6 request.

7 b. (1) The parent, guardian, or other person having legal
8 custody of a student shall consult with the school principal or
9 another school leader and the student's teachers prior to submitting
10 a request for grade retention pursuant to the provisions of this act.

11 (2) Following consultation with the school principal or another
12 school leader and the student's teachers pursuant to paragraph (1) of
13 this subsection, the parent, guardian, or other person having legal
14 custody of the student may submit a written request of grade
15 retention to the superintendent of the school district of residence.

16 (3) When the parent, guardian, or other person having legal
17 custody of a student submits a written request of grade retention to
18 the superintendent of the school district of residence, and the
19 student will attend a school outside of the school district of
20 residence during the 2021-2022 school year, the superintendent of
21 the school district of residence shall transmit the written request, as
22 soon as practicable, to the superintendent or other chief
23 administrative officer of the school of attendance.

24 c. Nothing in this section shall be construed to limit, supersede,
25 or preempt the rights, privileges, remedies, or procedures afforded
26 to students with disabilities under federal or State law or regulation
27 and any provision of an individualized education program or a plan
28 developed pursuant to section 504 of the federal "Rehabilitation Act
29 of 1973," 29 U.S.C. s.794.

30 d. A school district shall report the number of students enrolled
31 in the schools of the district that repeat a grade level pursuant to the
32 provisions of this act to the Department of Education by June 30,
33 2022.

34 e. As used in this section, "school of attendance" means a
35 public school.

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37 3. This act shall take effect immediately.
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40 STATEMENT 41

42 This bill provides that for the 2021-2022 school year, a school
43 district will permit a student enrolled in any of the grades
44 kindergarten through eight during the 2020-2021 school year to
45 repeat the grade level in which the student was enrolled during the
46 2020-2021 school year, provided that the parent, guardian, or other
47 person having legal custody of the student submits a written request
48 of grade retention to the superintendent of the school district on or

1 before June 30, 2021. A superintendent who receives a written
2 request of grade retention by June 30, 2021 is required to grant the
3 request. Under the bill, a superintendent would have the discretion
4 to accept a written request of grade retention submitted by the
5 parent, guardian, or other person having legal custody of a student
6 after June 30, 2021. A superintendent who chooses to accept written
7 requests of grade retention after June 30, 2021 is required to grant
8 the requests under the bill.

9 Under the bill, the parent, guardian, or other person having legal
10 custody of the student is required to consult with the school
11 principal or another school leader and the student's teachers.
12 Following consultation, the parent, guardian, or other person having
13 legal custody of the student will submit a written request for grade
14 retention to the superintendent of the student's school district of
15 residence. When the parent, guardian, or other person having legal
16 custody of a student submits the written request to the
17 superintendent of the school district of residence and the student
18 will attend a school outside of the school district of residence
19 during the 2021-2022 school year, the bill requires the
20 superintendent to transmit the written request, as soon as
21 practicable, to the superintendent or other chief administrative
22 officer of the student's school of attendance.

23 Under the bill, a school district is required to report the number
24 of students who repeat a grade level pursuant to the provisions of
25 the bill to the Department of Education by June 30, 2022.