

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5365

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 12, 2021

The Assembly Education Committee reports favorably Assembly Bill No. 5365 with committee amendments.

As amended, this bill provides that for the 2021-2022 school year, the parent, guardian, or other person having legal custody of a student enrolled in the grades kindergarten through eight is permitted to submit a written request of grade retention for the same grade level in which the student was enrolled during the 2020-2021 school year to the principal of the school in which the student is enrolled or to the lead person of the charter school or renaissance school project in which the student is enrolled, as applicable, by June 30, 2021.

The parent, guardian, or other person having legal custody of a student who submits a written request of grade retention would consult with the school counselor, the child study team, or the individualized education program team, as applicable, and the student's teachers to review and evaluate whether grade retention is necessary to meet the academic and social and emotional needs of the student. The results of the consultation would be submitted to the principal of the school in which the student is enrolled or to the lead person of the charter school or renaissance school project in which the student is enrolled, as applicable. As appropriate, the parent, guardian, or other person having legal custody of a student may request a separate conference with the school principal or the lead person of the charter school or renaissance school in which the student is enrolled, as applicable, to discuss the results of the consultation.

If, after consultation, it is determined that grade retention is necessary to meet the academic and social and emotional needs of the student, the school principal or lead person of a charter school or renaissance school project, as applicable, is required to grant the request of grade retention. If there is not a consensus as to whether grade retention is necessary, the superintendent of the school district, or the superintendent's designee, or the lead person of the charter school or renaissance school project, as applicable, would review the results of the consultation conducted under the bill and make a final determination to grant or deny the written request of grade retention.

The bill also permits a school district superintendent or a lead person of a charter school or renaissance school project to accept a written request of grade retention after June 30, 2021. A superintendent or lead person who chooses to accept a written request of grade retention after June 30, 2021 may grant the request upon review in accordance with the same procedures required for written requests submitted prior to June 30, 2021.

Under the bill, when a written request of grade retention is submitted, and the student will attend a school outside of the school district of residence during the 2021-2022 school year, the superintendent of the school district of residence would transmit the written request, as soon as practicable, to the superintendent or other chief administrative officer of the school of attendance.

Under the bill, a school district is required to report the number of students who repeat a grade level pursuant to the provisions of the bill to the Department of Education in accordance with reporting requirements to be established by the department.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- provide that a written request for grade retention be submitted by a parent, guardian, or other person having legal custody of a student enrolled in the grades kindergarten through eight to the principal of the school in which the student is enrolled or to the lead person of the charter school or renaissance school project in which the student is enrolled, as applicable. The bill as introduced provided that the request be submitted to the superintendent of the school district;
- permit a superintendent of a school district or a lead person of a charter school or renaissance school project to accept a written request of grade retention after June 30, 2021 at the superintendent's or lead person's discretion;
- remove provisions of the bill requiring a parent, guardian, or other person having legal custody of a student to consult with the school principal or another school leader prior to submitting a written request of grade retention;
- require that the parent, guardian, or other person having legal custody of a student who submits a written request of grade retention to consult with the school counselor, the child study team, or the individualized education program team, as applicable, and the student's teachers to review and evaluate whether grade retention is necessary to meet the academic and social and emotional needs of the student. The results of the consultation would be submitted to the principal of the school in which the student is enrolled or to the lead person of the charter school or renaissance school project in which the student is enrolled;

- provide that, as appropriate, a parent, guardian, or other person having legal custody of a student who submits a written request of grade retention may request a conference with the school principal or the lead person of the charter school or renaissance school in which the student is enrolled, as applicable, to discuss the results of the consultation conducted under the bill;
- require that the school principal or lead person, as applicable, grant the request for grade retention if it is determined that grade retention is necessary to meet the academic and social and emotional needs of the student. If there is not a consensus as to whether grade retention is necessary, the superintendent of the school district, or the superintendent's designee, or the lead person of the charter school or renaissance school project, as applicable, would review the results of the consultation and make a final determination to grant or deny the written request of grade retention;
- provide that, in the event that a superintendent or a lead person determines to accept a written request of grade retention submitted after June 30, 2021, a consultation would be conducted in accordance with the procedures for requests submitted prior to that deadline, except that the results of the consultation will be submitted to the superintendent or to the lead person, as applicable;
- require that a school district, charter school, or renaissance school project would report the number of students who were retained at their grade level under the bill to the Department of Education in accordance with reporting requirements to be established by the department; and
- make technical changes.