ASSEMBLY, No. 5742

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 17, 2021

Sponsored by:
Assemblywoman VERLINA REYNOLDS-JACKSON
District 15 (Hunterdon and Mercer)

SYNOPSIS

Allows certain students to repeat prior grade level during 2021-2022 school year upon parental request.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning the voluntary grade retention of certain students during the 2021-2022 school year.

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

1. a. Notwithstanding section 1 of P.L.1985, c.408 (C.18A:35-4.9) or any other law or regulation to the contrary, for the 2021-2022 school year, a school district, charter school, and renaissance school, shall permit a student enrolled in any of the grades kindergarten through 12 during the 2020-2021 school year to repeat the same grade level in which the student was enrolled during the 2020-2021 school year, provided that the parent, guardian, or other person having legal custody of the student submits a written request of grade retention to the superintendent of the school district or the lead person of a charter school or renaissance school, in accordance with subsection b. of this section, on or before June 1, 2021. A superintendent or lead person may approve or deny a written request of grade retention submitted by the parent, guardian, or other person having legal custody of the student after June 1, 2021 at the superintendent's or lead person's discretion.

b. (1) The parent, guardian, or other person having legal custody of a student shall consult with a school counselor, guidance counselor, or other school staff member who provides academic counseling to the student prior to submitting a request for grade retention pursuant to the provisions of this act.

(2) Following consultation with the school counselor, guidance counselor, or other staff member pursuant to paragraph (1) of this subsection, the parent, guardian, or other person having legal custody of the student may submit a written request of grade retention to the superintendent of the school district of residence or to the lead person of a charter school or renaissance school. The written request of grade retention shall include a statement signed by the parent, guardian, or other person having legal custody of the student and the school staff member with whom the consultation was conducted confirming completion of the consultation required under paragraph (1) of this subsection.

(3) When the parent, guardian, or other person having legal custody of the student submits a written request of grade retention to the superintendent of the school district of residence or to the lead person of a charter school or renaissance school, and the student will attend a school outside of the school district of residence or a school other than the charter school or renaissance school during the 2021-2022 school year, the superintendent of the school district of residence or to the lead person of a charter school or renaissance school shall transmit the written request, as soon as practicable, to the superintendent or other chief administrative officer of the school of attendance.

c. A request of grade retention by a parent, guardian, or other person having legal custody of a student based solely on concerns surrounding learning loss during the 2020-2021 school year shall be sufficient grounds for retaining a child during the 2021-2022 school year.

d. A parent, guardian, or other person having legal custody of a student shall not be permitted to rescind a request for grade retention made pursuant to the provisions of this act after the first day of the 2021-2022 school year.

e. A school district, charter school, and renaissance school shall report the number of students enrolled in the schools of the district, charter school, or renaissance school that repeat a grade level pursuant to the provisions of this act to the Department of Education by June 1, 2022.

f. Notwithstanding any provision of this section to the contrary, and in addition to the requirements set forth in subsection b. of this section, a request of grade retention made on behalf of a student with disabilities who receives special education and related services shall not be granted unless the request is approved in conjunction with the individualized education program team or 504 coordinator, as applicable, in accordance with all applicable federal and State law.

g. Nothing herein shall be construed to limit, supersede, or preempt the rights, privileges, remedies, or procedures afforded to students with disabilities under federal or State law or any provision of an individualized education program or 504 plan developed and implemented pursuant to federal or State law.

h. As used in this section, "school of attendance" means a public school.

2. To the extent permitted by federal law, the Department of Education shall provide monies, as necessary, received by the State pursuant to the federal "Coronavirus Aid, Relief, and Economic Security Act," Pub.L.116-136, or any other financial assistance provided by the federal government to address the impact of the COVID-19 pandemic on elementary and secondary schools, to school districts, charter schools, and renaissance schools to implement the provisions of this act.

3. This act shall take effect immediately.

STATEMENT

This bill provides that for the 2021-2022 school year, a school district, charter school, and renaissance school will permit a student enrolled in any of the grades kindergarten through 12 during the 2020-2021 school year to repeat the grade level in which the student

was enrolled during the 2020-2021 school year, provided that the parent, guardian, or other person having legal custody of the student submits a written request of grade retention to the superintendent of the school district or the lead person of a charter school or renaissance school on or before June 1, 2021. The superintendent or lead person will have the discretion to approve or deny a written request of grade retention submitted by the parent, guardian, or other person having legal custody of the student after June 1, 2021.

Under the bill, the parent, guardian, or other person having legal custody of the student is required to consult with the school staff member who provides academic counseling to the student prior to submitting a request for grade retention. Following consultation, the parent, guardian, or other person having legal custody of the student will submit a written request for grade retention to the superintendent of the student's school district of residence or to the lead person of a charter school or renaissance school. The written request for grade retention is required to include a statement signed by the parent, guardian, or other person having legal custody of the student and the school staff member with whom the consultation was held confirming completion of the consultation. When the parent, guardian, or other person having legal custody of a student submits the written request to the superintendent of the school district of residence or to the lead person of a charter school or renaissance school and the student will attend a school outside of the school district of residence or a school other than the charter school or renaissance school during the 2021-2022 school year, the bill requires the superintendent or lead person to transmit the written request, as soon as practicable, to the superintendent or other chief administrative officer of the student's school of attendance.

Under the bill, a request of grade retention by a parent, guardian, or other person having legal custody of a student based solely on concerns surrounding learning loss during the 2020-2021 school year would be sufficient grounds for retaining a child during the 2021-2022 school year. The bill prohibits a parent, guardian, or other person having legal custody of the student from rescinding a request for grade retention after the first day of the 2021-2022 school year.

A school district, charter school, and renaissance school are required to report the number of students who repeat a grade level pursuant to the provisions of the bill to the Department of Education by June 1, 2022.

Under the bill, a request for grade retention made on behalf of a student with disabilities who receives special education and related services shall not be granted unless the request is approved in conjunction with the individualized education program (IEP) team or 504 coordinator, as applicable, in accordance with all applicable federal and State law.

The bill provides that, to the extent permitted by federal law, the Department of Education will provide monies, as necessary, received by the State pursuant to the federal "Coronavirus Aid, Relief, and Economic Security Act," Pub.L.116-136, or any other financial assistance provided by the federal government to address the impact of the COVID-19 pandemic on elementary and secondary schools, to school districts, charter schools, and renaissance schools to implement of the provisions of this bill.