

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.



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

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

6
7 1. a. Notwithstanding section 1 of P.L.1985, c.408 (C.18A:35-
8 4.9) or any other law or regulation to the contrary, for the 2021-
9 2022 school year, a school district, charter school, and renaissance
10 school, shall permit a student enrolled in any of the grades
11 kindergarten through 12 during the 2020-2021 school year to repeat
12 the same grade level in which the student was enrolled during the
13 2020-2021 school year, provided that the parent, guardian, or other
14 person having legal custody of the student submits a written request
15 of grade retention to the superintendent of the school district or the
16 lead person of a charter school or renaissance school, in accordance
17 with subsection b. of this section, on or before June 1, 2021. A
18 superintendent or lead person may approve or deny a written
19 request of grade retention submitted by the parent, guardian, or
20 other person having legal custody of the student after June 1, 2021
21 at the superintendent's or lead person's discretion.

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

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

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

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

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

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

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

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

28 h. As used in this section, “school of attendance” means a
29 public school.

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

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40 3. This act shall take effect immediately.

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43 STATEMENT

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45 This bill provides that for the 2021-2022 school year, a school
46 district, charter school, and renaissance school will permit a student
47 enrolled in any of the grades kindergarten through 12 during the
48 2020-2021 school year to repeat the grade level in which the student

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

9 Under the bill, the parent, guardian, or other person having legal
10 custody of the student is required to consult with the school staff
11 member who provides academic counseling to the student prior to
12 submitting a request for grade retention. Following consultation,
13 the parent, guardian, or other person having legal custody of the
14 student will submit a written request for grade retention to the
15 superintendent of the student's school district of residence or to the
16 lead person of a charter school or renaissance school. The written
17 request for grade retention is required to include a statement signed
18 by the parent, guardian, or other person having legal custody of the
19 student and the school staff member with whom the consultation
20 was held confirming completion of the consultation. When the
21 parent, guardian, or other person having legal custody of a student
22 submits the written request to the superintendent of the school
23 district of residence or to the lead person of a charter school or
24 renaissance school and the student will attend a school outside of
25 the school district of residence or a school other than the charter
26 school or renaissance school during the 2021-2022 school year, the
27 bill requires the superintendent or lead person to transmit the
28 written request, as soon as practicable, to the superintendent or
29 other chief administrative officer of the student's school of
30 attendance.

31 Under the bill, a request of grade retention by a parent, guardian,
32 or other person having legal custody of a student based solely on
33 concerns surrounding learning loss during the 2020-2021 school
34 year would be sufficient grounds for retaining a child during the
35 2021-2022 school year. The bill prohibits a parent, guardian, or
36 other person having legal custody of the student from rescinding a
37 request for grade retention after the first day of the 2021-2022
38 school year.

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

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

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