

SENATE, No. 2989

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED OCTOBER 8, 2020

Sponsored by:
Senator NIA H. GILL
District 34 (Essex and Passaic)

SYNOPSIS

Allows parent or guardian to exclude student from administration of State assessment.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the administration of State assessments,
2 supplementing and amending P.L.2015, c.244, amending
3 P.L.1995, c.426, and supplementing chapter 7A of Title 18A of
4 the New Jersey Statutes.

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

8
9 1. (New section) No later than the beginning of the 2021-2022
10 school year, a school district or charter school shall establish a
11 procedure for a parent or guardian of a public school student to
12 provide written notification that the student will not participate in
13 the administration of a State assessment. A parent or guardian of a
14 student enrolled in a school district or charter school shall provide
15 written notification no later than seven days prior to the
16 administration of a State assessment stating that the State
17 assessment is not to be administered to the student.

18
19 2. (New section) In the case of a student who does not
20 participate in the administration of a State assessment pursuant to
21 the provisions of section 1 of P.L. , c. (C.) (pending before the
22 Legislature as this bill), a school district or charter school shall
23 provide educationally appropriate ungraded alternative activities, or
24 allow the student to engage in supervised reading or other self-
25 directed work, during the time in which the assessment is being
26 administered. Any such activity shall not occur in the same room in
27 which the assessment is being administered. In the event that a
28 student's regularly scheduled class is in session during the
29 administration of a State assessment, then the student shall be
30 allowed to attend that class.

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32 3. (New section) A school district or charter school shall not
33 take disciplinary action against a student for not participating in the
34 administration of a State assessment if the student's parent or
35 guardian provided written notification pursuant to section 1 of
36 P.L. , c. (C.) (pending before the Legislature as this bill). In
37 the case of a student who does not participate in the administration
38 of a State assessment, a school district or charter school shall use
39 alternative measures of student proficiency when making
40 determinations related to academic placement or admissions.

41
42 4. (New section) Except as otherwise provided pursuant to
43 section 6 of P.L. , c. (C.) (pending before the Legislature as this
44 bill), a school, school district, or charter school shall not be
45 penalized for failure to meet a specified student participation rate
46 on the State assessments.

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 5. (New section) A student whose parent or guardian has
2 provided written notification to a school district or charter school
3 that the student will not participate in the administration of a State
4 assessment pursuant to section 1 of P.L. , c. (C.) (pending
5 before the Legislature as this bill) shall not be denied a diploma if
6 the student has satisfied the standards for graduation established by
7 a board of education pursuant to section 2 of P.L.1979, c.241
8 (C.18A:7C-2), other than any requirement that the student
9 demonstrate proficiency on the State assessment.

10
11 6. (New section) No later than the beginning of the 2021-2022
12 school year, the commissioner shall incorporate a school district's
13 student participation rate on the State assessments as a quality
14 performance indicator in the instruction and program component of
15 the New Jersey Quality Single Accountability Continuum. The
16 quality performance indicator shall not account for more than one
17 percent of the total quality performance indicators in that
18 component.

19
20 7. Section 2 of P.L.2015, c.244 (C.18A:7C-6.6) is amended to
21 read as follows:

22 2. a. No later than October 1 of each school year, a school
23 district or charter school shall provide to the parents or guardians of
24 a student enrolled in the district or charter school information on
25 any State assessment or commercially-developed standardized
26 assessment that will be administered to the student in that school
27 year. If a school district or charter school elects to administer an
28 additional commercially-developed standardized assessment after
29 October 1, then the information shall be provided within 30 days of
30 that determination. The information, as determined by the
31 commissioner through regulations adopted pursuant to the
32 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
33 seq.), shall include, but need not be limited to, the following:

34 (1) the subject area of the assessment and grade levels covered
35 by the assessment;

36 (2) the date or range of potential dates for the administration of
37 the assessment;

38 (3) the time allotted for the student to take and complete the
39 assessment;

40 (4) any accommodations or accessibility options available to
41 students;

42 (5) information on how and when the student and his parent or
43 guardian can access both sample questions and answers to the
44 assessment and the student's results; **and**

45 (6) whether the assessment is required by the State, the federal
46 government, or both; and

1 (7) information regarding a parent's or guardian's right to have
2 a student not participate in a State assessment, and information
3 regarding the procedure established by the school district or charter
4 school, pursuant to section 1 of P.L. , c. (C.) (pending before the
5 Legislature as this bill), by which the parent or guardian provides
6 written notification that a student will not participate in a State
7 assessment.

8 (cf: P.L.2015, c.244, s.2)

9
10 8. Section 16 of P.L.1995, c.426 (C.18A:36A-16) is amended
11 to read as follows:

12 16. a. The commissioner shall annually assess whether each
13 charter school is meeting the goals of its charter, and shall conduct
14 a comprehensive review prior to granting a renewal of the charter.
15 The executive county superintendent of schools of the county in
16 which the charter school is located shall have on-going access to the
17 records and facilities of the charter school to ensure that the charter
18 school is in compliance with its charter and that State board
19 regulations concerning assessment, testing, civil rights, and student
20 health and safety are being met. To the extent that a charter
21 school's student participation rate on the State assessments is a
22 factor in this review, it shall not be given a greater amount of
23 weight than it is given when evaluating a school district under the
24 New Jersey Quality Single Accountability Continuum.

25 b. In order to facilitate the commissioner's review, each charter
26 school shall submit an annual report to the local board of education,
27 the executive county superintendent of schools, and the
28 commissioner in the form prescribed by the commissioner. The
29 report shall be received annually by the local board, the executive
30 county superintendent, and the commissioner no later than August
31 1.

32 The report shall also be made available to the parent or guardian
33 of a student enrolled in the charter school.

34 c. By April 1, 2001, the commissioner shall hold public
35 hearings in the north, central, and southern regions of the State to
36 receive input from members of the educational community and the
37 public on the charter school program.

38 d. The commissioner shall commission an independent study of
39 the charter school program. The study shall be conducted by an
40 individual or entity identified with expertise in the field of
41 education and the selection shall be approved by the Joint
42 Committee on the Public Schools. The individual or entity shall
43 design a comprehensive study of the charter school program.

44 e. The commissioner shall submit to the Governor, the
45 Legislature, and the State Board of Education by October 1, 2001
46 an evaluation of the charter school program based upon the public
47 input required pursuant to subsection c. of this section and the
48 independent study required pursuant to subsection d. of this section.
49 The evaluation shall include, but not be limited to, consideration of
50 the following elements:

1 (1) the impact of the charter school program on resident
2 districts' students, staff, parents, educational programs, and
3 finances;

4 (2) the impact of the charter school program and the increased
5 number of schools on the economics of educational services on a
6 Statewide basis;

7 (3) the fairness and the impact of the reduction of available
8 resources on the ability of resident districts to promote competitive
9 educational offerings;

10 (4) the impact of the shift of pupils from nonpublic schools to
11 charter schools;

12 (5) the comparative demographics of student enrollments in
13 school districts of residence and the charter schools located within
14 those districts. The comparison shall include, but not be limited to,
15 race, gender, socioeconomic status, enrollment of special education
16 students, enrollment of students of limited English proficiency, and
17 student progress toward meeting the core curriculum content
18 standards as measured by student results on Statewide assessment
19 tests;

20 (6) the degree of involvement of private entities in the operation
21 and financial support of charter schools, and their participation as
22 members of charter school boards of trustees;

23 (7) verification of the compliance of charter schools with
24 applicable laws and regulations;

25 (8) student progress toward meeting the goals of the charter
26 schools;

27 (9) parent, community and student satisfaction with charter
28 schools;

29 (10) the extent to which waiting lists exist for admission to
30 charter schools and the length of those lists;

31 (11) the extent of any attrition among student and faculty
32 members in charter schools; and

33 (12) the results of the independent study required pursuant to
34 subsection d. of this section.

35 The evaluation shall include a recommendation on the
36 advisability of the continuation, modification, expansion, or
37 termination of the program. If the evaluation does not recommend
38 termination, then it shall include recommendations for changes in
39 the structure of the program which the commissioner deems
40 advisable. The commissioner may not implement any
41 recommended expansion, modification, or termination of the
42 program until the Legislature acts on that recommendation.

43 (cf: P.L.2000, c.142, s.3)

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45 9. This act shall take effect immediately.

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48 STATEMENT

49

S2989 GILL

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1 This bill allows a parent or guardian of a student to provide
2 written notification to a school district or charter school that the
3 student will not participate in the administration of a State

1 assessment. The parent or guardian would be required to provide
2 written notification no later than seven days before the
3 administration of a State assessment that the assessment is not to be
4 administered to the student.

5 A school district or charter school would be required to provide
6 educationally appropriate ungraded alternative activities for a
7 student who, under the bill, is not participating in the administration
8 of a State assessment, or allow the student to engage in supervised
9 reading or other self-directed work. Any such activity must occur
10 in a room other than the room in which the assessment is being
11 administered. In the event that a student's regularly scheduled class
12 is in session during the administration of a State assessment, then
13 the student would be allowed to attend that class.

14 A school district or charter school would not be allowed to take
15 disciplinary action against a student who does not participate in the
16 administration of a State assessment, and must use alternative
17 means of assessing student proficiency when making determinations
18 regarding academic placements. Additionally, a student whose
19 parent or guardian provided the required written notification could
20 not be denied a diploma if the student satisfied all other graduation
21 requirements established by the board of education.

22 Finally, the bill directs the Commissioner of Education to
23 incorporate a district's student participation rate on the State
24 assessment as a quality performance indicator in the instruction and
25 program component of the New Jersey Quality Single
26 Accountability System (NJ QSAC), with that indicator accounting
27 for no more the one percent of the total score in that component. If
28 the commissioner uses the student participation rate to evaluate a
29 charter school, then the participation rate would not be given a
30 greater amount of weight than it is under NJ QSAC.