SENATE, No. 3470

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 19, 2021

Sponsored by:
Senator SHIRLEY K. TURNER
District 15 (Hunterdon and Mercer)
Senator PATRICK J. DIEGNAN, JR.
District 18 (Middlesex)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 2/23/2021)

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 shall permit a general education 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, in accordance with subsection b. of this section, on or before June 1, 2021. A superintendent may approve or deny a written request of grade retention submitted by the parent, guardian, or other person having legal custody of the general education student after June 1, 2021 at the superintendent's discretion.

b. (1) The parent, guardian, or other person having legal custody of a general education 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 general education student may submit a written request of grade retention to the superintendent of the school district of residence. 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 general education student submits a written request of grade retention to the superintendent of the school district of residence, 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 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 general education 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 general education 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 shall report the number of general education students enrolled in the schools of the district that repeat a grade level pursuant to the provisions of this act to the Department of Education by June 1, 2022.

f. 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.

g. 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 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 will permit a general education 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 on or before June 1, 2021. The superintendent of the district 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 general education 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. 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 general education student submits the written request to the superintendent of the school district of residence and the student will attend a school outside of the school district of residence during the 2021-2022 school year, the bill requires the superintendent 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 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 by June 1, 2022.

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 to implement of the provisions of this bill.

The purpose of this bill is to address student learning loss that has occurred as a result of the shift from in-person to remote instruction in schools throughout the State as a result of the public health emergency declared in response to the COVID-19 pandemic.