

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)

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

3
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 shall permit a general education
10 student enrolled in any of the grades kindergarten through 12 during
11 the 2020-2021 school year to repeat the same grade level in which
12 the student was enrolled during the 2020-2021 school year,
13 provided that the parent, guardian, or other person having legal
14 custody of the student submits a written request of grade retention
15 to the superintendent of the school district, in accordance with
16 subsection b. of this section, on or before June 1, 2021. A
17 superintendent may approve or deny a written request of grade
18 retention submitted by the parent, guardian, or other person having
19 legal custody of the general education student after June 1, 2021 at
20 the superintendent's discretion.

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

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

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

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

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

5 e. A school district shall report the number of general
6 education students enrolled in the schools of the district that repeat
7 a grade level pursuant to the provisions of this act to the
8 Department of Education by June 1, 2022.

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

14 g. As used in this section, "school of attendance" means a
15 public school.

16
17 2. To the extent permitted by federal law, the Department of
18 Education shall provide monies, as necessary, received by the State
19 pursuant to the federal "Coronavirus Aid, Relief, and Economic
20 Security Act," Pub.L.116-136, or any other financial assistance
21 provided by the federal government to address the impact of the
22 COVID-19 pandemic on elementary and secondary schools, to
23 school districts to implement the provisions of this act.

24
25 3. This act shall take effect immediately.

26
27
28 STATEMENT

29
30 This bill provides that for the 2021-2022 school year, a school
31 district will permit a general education student enrolled in any of
32 the grades kindergarten through 12 during the 2020-2021 school
33 year to repeat the grade level in which the student was enrolled
34 during the 2020-2021 school year, provided that the parent,
35 guardian, or other person having legal custody of the student
36 submits a written request of grade retention to the superintendent of
37 the school district on or before June 1, 2021. The superintendent of
38 the district will have the discretion to approve or deny a written
39 request of grade retention submitted by the parent, guardian, or
40 other person having legal custody of the student after June 1, 2021.

41 Under the bill, the parent, guardian, or other person having legal
42 custody of the general education student is required to consult with
43 the school staff member who provides academic counseling to the
44 student prior to submitting a request for grade retention. Following
45 consultation, the parent, guardian, or other person having legal
46 custody of the student will submit a written request for grade
47 retention to the superintendent of the student's school district of
48 residence. The written request for grade retention is required to

1 include a statement signed by the parent, guardian, or other person
2 having legal custody of the student and the school staff member
3 with whom the consultation was held confirming completion of the
4 consultation. When the parent, guardian, or other person having
5 legal custody of a general education student submits the written
6 request to the superintendent of the school district of residence and
7 the student will attend a school outside of the school district of
8 residence during the 2021-2022 school year, the bill requires the
9 superintendent to transmit the written request, as soon as
10 practicable, to the superintendent or other chief administrative
11 officer of the student's school of attendance.

12 Under the bill, a request of grade retention by a parent, guardian,
13 or other person having legal custody of a student based solely on
14 concerns surrounding learning loss during the 2020-2021 school
15 year would be sufficient grounds for retaining a child during the
16 2021-2022 school year. The bill prohibits a parent, guardian, or
17 other person having legal custody of the student from rescinding a
18 request for grade retention after the first day of the 2021-2022
19 school year.

20 A school district is required to report the number of students who
21 repeat a grade level pursuant to the provisions of the bill to the
22 Department of Education by June 1, 2022.

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

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