SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 3470

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 9, 2021

The Senate Education Committee favorably reports Senate Bill No. 3470 with committee amendments.

As amended, 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.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) clarify that the provisions of the bill apply to school districts, charter schools, and renaissance schools;

(2) expand access to grade retention under the provisions of the bill to special education students; and

(3) provide that a request for grade retention made on behalf of student with disabilities who receives special education and related services cannot be granted unless the request is approved in conjunction with the IEP team or 504 coordinator, as applicable, in accordance with federal and State law.