

SENATE, No. 3872

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 3, 2021

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Senator M. TERESA RUIZ

District 29 (Essex)

Co-Sponsored by:

Senator Cunningham

SYNOPSIS

Permits parent or guardian to request grade retention for student during 2021-2022 school year.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/24/2021)

1 **AN ACT** concerning grade retention during the 2021-2022 school
2 year.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. The Legislature finds and declares that:

8 a. School closures and the widespread use of virtual or remote
9 instruction caused by the COVID-19 pandemic have presented an
10 extraordinary challenge to students, the parents and guardians of
11 students, and the education community at-large.

12 b. Although the increased use of virtual or remote instruction
13 has been necessary in order to limit the transmission of COVID-19,
14 research has shown that the use of such instruction may lead to a
15 gap in learning gains that students may have otherwise experienced
16 had they been learning through in-person instruction.

17 c. In addition to the concerns surrounding gaps in learning, the
18 widespread use of virtual or remote instruction may also impact
19 students' social and emotional well-beings in ways that are difficult
20 for school district staff to detect and address through virtual or
21 remote means.

22 d. As students continue to learn in virtual or remote
23 environments, parents are placed in a unique position to observe the
24 effects that the COVID-19 pandemic is having on their children's
25 educational progress.

26 e. In many instances, the parents of students learning virtually
27 or remotely are witnessing first-hand the impacts of the current shift
28 away from in-person instruction as they assist their children in
29 adapting to the complexities of learning during the COVID-19
30 pandemic.

31 f. Given the new role that parents have taken on in their
32 children's education during this unprecedented time, it is fitting that
33 parents have an increased say in certain educational decisions,
34 including decisions concerning grade retention.

35
36 2. a. (1) Notwithstanding section 1 of P.L.1985, c.408
37 (C.18A:35-4.9) or any other law or regulation to the contrary, for
38 the 2021-2022 school year, the parent, guardian, or other person
39 having legal custody of a student enrolled in the grades kindergarten
40 through eight shall be permitted to submit a written request of grade
41 retention for the same grade level in which the student was enrolled
42 during the 2020-2021 school year to the principal of the school in
43 which the student is enrolled or to the lead person of the charter school
44 or renaissance school project in which the student is enrolled, as
45 applicable, by June 30, 2021. A school principal or lead person who
46 receives a written request of grade retention pursuant to this act
47 shall review the request in accordance with the procedures
48 enumerated in subsection b. of this section.

1 (2) A superintendent of a school district or a lead person of a
2 charter school or renaissance school project may accept a written
3 request of grade retention after June 30, 2021 at the
4 superintendent's or lead person's discretion. A superintendent or
5 lead person who chooses to accept a written request of grade
6 retention pursuant to this act after June 30, 2021 may grant the
7 request upon review of the written request in accordance with the
8 procedures enumerated in subparagraph (b) of paragraph (1) of
9 subsection b. of this section.

10 b. (1) (a) The parent, guardian, or other person having legal
11 custody of a student who submits a written request of grade retention
12 pursuant to paragraph (1) of subsection a. of this section shall consult
13 with the school counselor, the child study team, or the individualized
14 education program team, as applicable, and the student's teachers to
15 review and evaluate whether grade retention is necessary to meet the
16 academic and social and emotional needs of the student. The results of
17 the consultation conducted pursuant to this subparagraph shall be
18 submitted to the principal of the school in which the student is enrolled
19 or to the lead person of the charter school or renaissance school project
20 in which the student is enrolled, as applicable. As appropriate, a
21 parent, guardian, or other person having legal custody of a student who
22 submits a written request of grade retention may request a conference
23 with the school principal or the lead person of the charter school or
24 renaissance school project in which the student is enrolled, as
25 applicable, to discuss the results of the consultation conducted
26 pursuant to this subparagraph.

27 (b) In the event that a superintendent of a school district or a lead
28 person of a charter school or renaissance school project determines to
29 accept a written request of grade retention submitted after June 30,
30 2021 pursuant to paragraph (2) of subsection a. of this section, a
31 consultation shall be conducted in accordance with the procedures
32 enumerated in subparagraph (a) of this paragraph, except that the
33 results of the consultation shall be submitted to the superintendent or
34 to the lead person, as applicable.

35 (2) If it is determined that grade retention is necessary to meet the
36 academic and social and emotional needs of the student in accordance
37 with paragraph (1) of this subsection, the school principal, lead person
38 of a charter school or renaissance school project, or superintendent, as
39 applicable, shall grant the written request of grade retention. If there is
40 not a consensus as to whether grade retention is necessary to meet the
41 academic and social and emotional needs of the student, the
42 superintendent of the school district, or the superintendent's designee,
43 or the lead person of the charter school or renaissance school project,
44 as applicable, shall review the results of the consultation conducted
45 pursuant to paragraph (1) of this subsection and make a final
46 determination to grant or deny the written request of grade retention.

1 (3) When a written request of grade retention is submitted
2 pursuant to this act, and the student will attend a school outside of
3 the school district of residence during the 2021-2022 school year,
4 the superintendent of the school district of residence shall transmit
5 the written request, as soon as practicable, to the superintendent or
6 other chief administrative officer of the school of attendance.

7 c. Nothing in this section shall be construed to limit, supersede,
8 or preempt the rights, privileges, remedies, or procedures afforded
9 to students with disabilities under federal or State law or regulation
10 and any provision of an individualized education program and the
11 “Individuals with Disabilities Education Act,” 20 U.S.C.1400 et seq.,
12 or a plan developed pursuant to section 504 of the federal
13 “Rehabilitation Act of 1973,” 29 U.S.C. s.794.

14 d. A school district , charter school, or renaissance school project
15 shall report the number of students enrolled in the schools of the
16 district that repeat a grade level pursuant to the provisions of this
17 act to the Department of Education in accordance with reporting
18 requirements to be established by the department.

19 e. As used in this section, “school of attendance” means a
20 public school.

21
22 3. This act shall take effect immediately.
23
24

25 STATEMENT

26
27 This bill provides that for the 2021-2022 school year, the parent,
28 guardian, or other person having legal custody of a student enrolled
29 in the grades kindergarten through eight is permitted to submit a
30 written request of grade retention for the same grade level in which
31 the student was enrolled during the 2020-2021 school year to the
32 principal of the school in which the student is enrolled or to the lead
33 person of the charter school or renaissance school project in which
34 the student is enrolled, as applicable, by June 30, 2021.

35 The parent, guardian, or other person having legal custody of a
36 student who submits a written request of grade retention would
37 consult with the school counselor, the child study team, or the
38 individualized education program team, as applicable, and the
39 student’s teachers to review and evaluate whether grade retention is
40 necessary to meet the academic and social and emotional needs of the
41 student. The results of the consultation would be submitted to the
42 principal of the school in which the student is enrolled or to the lead
43 person of the charter school or renaissance school project in which the
44 student is enrolled, as applicable. As appropriate, the parent, guardian,
45 or other person having legal custody of a student may request a
46 separate conference with the school principal or the lead person of the
47 charter school or renaissance school in which the student is enrolled,
48 as applicable, to discuss the results of the consultation.

1 If, after consultation, it is determined that grade retention is
2 necessary to meet the academic and social and emotional needs of the
3 student, the school principal or lead person of a charter school or
4 renaissance school project, as applicable, is required to grant the
5 request of grade retention. If there is not a consensus as to whether
6 grade retention is necessary, the superintendent of the school district,
7 or the superintendent's designee, or the lead person of the charter
8 school or renaissance school project, as applicable, would review the
9 results of the consultation conducted under the bill and make a final
10 determination to grant or deny the written request of grade retention.

11 The bill also permits a school district superintendent or a lead
12 person of a charter school or renaissance school project to accept a
13 written request of grade retention after June 30, 2021. A
14 superintendent or lead person who chooses to accept a written
15 request of grade retention after June 30, 2021 may grant the request
16 upon review in accordance with the same procedures required for
17 written requests submitted prior to June 30, 2021.

18 Under the bill, when a written request of grade retention is
19 submitted, and the student will attend a school outside of the school
20 district of residence during the 2021-2022 school year, the
21 superintendent of the school district of residence would transmit the
22 written request, as soon as practicable, to the superintendent or
23 other chief administrative officer of the school of attendance.

24 Under the bill, a school district is required to report the number
25 of students who repeat a grade level pursuant to the provisions of
26 the bill to the Department of Education in accordance with
27 reporting requirements to be established by the department.