

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

P.L. 2021, CHAPTER 141, *approved June 30, 2021*
Assembly, No. 5365 (*First Reprint*)

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 or
27 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, ¹**[a school district shall permit a student**
39 enrolled in any of the grades kindergarten through eight during the
40 2020-2021 school year to repeat the same grade level in which the

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AED committee amendments adopted May 12, 2021.

1 student was enrolled during the 2020-2021 school year, provided
2 that¹ the parent, guardian, or other person having legal custody of
3 the a student submits enrolled in the grades kindergarten
4 through eight shall be permitted to submit¹ a written request of grade
5 retention for the same grade level in which the student was
6 enrolled during the 2020-2021 school year¹ to the superintendent
7 of the school district, in accordance with subsection b. of this
8 section, principal of the school in which the student is enrolled or to
9 the lead person of the charter school or renaissance school project in
10 which the student is enrolled, as applicable,¹ by June 30, 2021. A
11 superintendent school principal or lead person¹ who receives a
12 written request of grade retention pursuant to this act by June 30,
13 2021¹ shall grant review¹ the request in accordance with the
14 procedures enumerated in subsection b. of this section¹.

15 (2) A superintendent of a school district or a lead person of a
16 charter school or renaissance school project¹ may accept a written
17 request of grade retention submitted in accordance with
18 subsection b. of this section¹ after June 30, 2021 at the
19 superintendent's or lead person's¹ discretion. A superintendent or
20 lead person¹ who chooses to accept a written request of grade
21 retention pursuant to this act after June 30, 2021 shall grant the
22 request may grant the request upon review of the written request in
23 accordance with the procedures enumerated in subparagraph (b) of
24 paragraph (1) of subsection b. of this section¹.

25 b. (1) (a)¹ The parent, guardian, or other person having legal
26 custody of a student who submits a written request of grade retention
27 pursuant to paragraph (1) of subsection a. of this section¹ shall consult
28 with the school principal or another school leader school
29 counselor, the child study team, or the individualized education
30 program team, as applicable,¹ and the student's teachers prior to
31 submitting a request for grade retention pursuant to the provisions
32 of this act to review and evaluate whether grade retention is
33 necessary to meet the academic and social and emotional needs of the
34 student. The results of the consultation conducted pursuant to this
35 subparagraph shall be submitted to the principal of the school in which
36 the student is enrolled or to the lead person of the charter school or
37 renaissance school project in which the student is enrolled, as
38 applicable. As appropriate, a parent, guardian, or other person having
39 legal custody of a student who submits a written request of grade
40 retention may request a conference with the school principal or the
41 lead person of the charter school or renaissance school project in
42 which the student is enrolled, as applicable, to discuss the results of the
43 consultation conducted pursuant to this subparagraph.

44 (b) In the event that a superintendent of a school district or a lead
45 person of a charter school or renaissance school project determines to

1 accept a written request of grade retention submitted after June 30,
2 2021 pursuant to paragraph (2) of subsection a. of this section, a
3 consultation shall be conducted in accordance with the procedures
4 enumerated in subparagraph (a) of this paragraph, except that the
5 results of the consultation shall be submitted to the superintendent or
6 to the lead person, as applicable¹.

7 (2) ¹~~Following consultation with the school principal or~~
8 ~~another school leader and the student's teachers pursuant to~~
9 ~~paragraph (1) of this subsection, the parent, guardian, or other~~
10 ~~person having legal custody of the student may submit a written~~
11 ~~request of grade retention to the superintendent of the school~~
12 ~~district of residence~~ **】** If it is determined that grade retention is
13 necessary to meet the academic and social and emotional needs of the
14 student in accordance with paragraph (1) of this subsection, the school
15 principal, lead person of a charter school or renaissance school project,
16 or superintendent, as applicable, shall grant the written request of
17 grade retention. If there is not a consensus as to whether grade
18 retention is necessary to meet the academic and social and emotional
19 needs of the student, the superintendent of the school district, or the
20 superintendent's designee, or the lead person of the charter school or
21 renaissance school project, as applicable, shall review the results of the
22 consultation conducted pursuant to paragraph (1) of this subsection
23 and make a final determination to grant or deny the written request of
24 grade retention¹.

25 (3) When ¹~~the parent, guardian, or other person having legal~~
26 ~~custody of a student submits~~ **】**¹ a written request of grade retention
27 ¹~~to the superintendent of the school district of residence~~ **】** is
28 submitted pursuant to this act¹, and the student will attend a school
29 outside of the school district of residence during the 2021-2022
30 school year, the superintendent of the school district of residence
31 shall transmit the written request, as soon as practicable, to the
32 superintendent or other chief administrative officer of the school of
33 attendance.

34 c. Nothing in this section shall be construed to limit, supersede,
35 or preempt the rights, privileges, remedies, or procedures afforded
36 to students with disabilities under federal or State law or regulation
37 and any provision of an individualized education program ¹and the
38 “Individuals with Disabilities Education Act,” 20 U.S.C.1400 et seq.,¹
39 or a plan developed pursuant to section 504 of the federal
40 “Rehabilitation Act of 1973,” 29 U.S.C. s.794.

41 d. A school district ¹, charter school, or renaissance school
42 project¹ shall report the number of students enrolled in the schools
43 of the district that repeat a grade level pursuant to the provisions of
44 this act to the Department of Education ¹**】**by June 30, 2022 **】** in
45 accordance with reporting requirements to be established by the
46 department¹.

A5365 [1R]

4

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

3

4 3. This act shall take effect immediately.

5

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7

8

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

ASSEMBLY, No. 5365

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 23, 2021

Sponsored by:

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

Assemblywoman SHAVONDA E. SUMTER

District 35 (Bergen and Passaic)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Co-Sponsored by:

Assemblywoman Jasey

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: 5/12/2021)

A5365 CAPUTO, SUMTER

2

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 or
27 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, a school district shall permit a student
39 enrolled in any of the grades kindergarten through eight during the
40 2020-2021 school year to repeat the same grade level in which the
41 student was enrolled during the 2020-2021 school year, provided
42 that the parent, guardian, or other person having legal custody of
43 the student submits a written request of grade retention to the
44 superintendent of the school district, in accordance with subsection
45 b. of this section, by June 30, 2021. A superintendent who receives
46 a written request of grade retention pursuant to this act by June 30,
47 2021 shall grant the request.

1 (2) A superintendent may accept a written request of grade
2 retention submitted in accordance with subsection b. of this section
3 after June 30, 2021 at the superintendent's discretion. A
4 superintendent who chooses to accept a written request of grade
5 retention pursuant to this act after June 30, 2021 shall grant the
6 request.

7 b. (1) The parent, guardian, or other person having legal
8 custody of a student shall consult with the school principal or
9 another school leader and the student's teachers prior to submitting
10 a request for grade retention pursuant to the provisions of this act.

11 (2) Following consultation with the school principal or another
12 school leader and the student's teachers pursuant to paragraph (1) of
13 this subsection, the parent, guardian, or other person having legal
14 custody of the student may submit a written request of grade
15 retention to the superintendent of the school district of residence.

16 (3) When the parent, guardian, or other person having legal
17 custody of a student submits a written request of grade retention to
18 the superintendent of the school district of residence, and the
19 student will attend a school outside of the school district of
20 residence during the 2021-2022 school year, the superintendent of
21 the school district of residence shall transmit the written request, as
22 soon as practicable, to the superintendent or other chief
23 administrative officer of the school of attendance.

24 c. Nothing in this section shall be construed to limit, supersede,
25 or preempt the rights, privileges, remedies, or procedures afforded
26 to students with disabilities under federal or State law or regulation
27 and any provision of an individualized education program or a plan
28 developed pursuant to section 504 of the federal "Rehabilitation Act
29 of 1973," 29 U.S.C. s.794.

30 d. A school district shall report the number of students enrolled
31 in the schools of the district that repeat a grade level pursuant to the
32 provisions of this act to the Department of Education by June 30,
33 2022.

34 e. As used in this section, "school of attendance" means a
35 public school.

36

37 3. This act shall take effect immediately.

38

39

40 STATEMENT

41

42 This bill provides that for the 2021-2022 school year, a school
43 district will permit a student enrolled in any of the grades
44 kindergarten through eight during the 2020-2021 school year to
45 repeat the grade level in which the student was enrolled during the
46 2020-2021 school year, provided that the parent, guardian, or other
47 person having legal custody of the student submits a written request
48 of grade retention to the superintendent of the school district on or

A5365 CAPUTO, SUMTER

1 before June 30, 2021. A superintendent who receives a written
2 request of grade retention by June 30, 2021 is required to grant the
3 request. Under the bill, a superintendent would have the discretion
4 to accept a written request of grade retention submitted by the
5 parent, guardian, or other person having legal custody of a student
6 after June 30, 2021. A superintendent who chooses to accept written
7 requests of grade retention after June 30, 2021 is required to grant
8 the requests under the bill.

9 Under the bill, the parent, guardian, or other person having legal
10 custody of the student is required to consult with the school
11 principal or another school leader and the student's teachers.
12 Following consultation, the parent, guardian, or other person having
13 legal custody of the student will submit a written request for grade
14 retention to the superintendent of the student's school district of
15 residence. When the parent, guardian, or other person having legal
16 custody of a student submits the written request to the
17 superintendent of the school district of residence and the student
18 will attend a school outside of the school district of residence
19 during the 2021-2022 school year, the bill requires the
20 superintendent to transmit the written request, as soon as
21 practicable, to the superintendent or other chief administrative
22 officer of the student's school of attendance.

23 Under the bill, a school district is required to report the number
24 of students who repeat a grade level pursuant to the provisions of
25 the bill to the Department of Education by June 30, 2022.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5365

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 12, 2021

The Assembly Education Committee reports favorably Assembly Bill No. 5365 with committee amendments.

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

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

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

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

Under the bill, when a written request of grade retention is submitted, 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 would transmit the written request, as soon as practicable, to the superintendent or other chief administrative officer of the school of attendance.

Under the bill, 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 in accordance with reporting requirements to be established by the department.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- provide that a written request for grade retention be submitted by a parent, guardian, or other person having legal custody of a student enrolled in the grades kindergarten through eight to the principal of the school in which the student is enrolled or to the lead person of the charter school or renaissance school project in which the student is enrolled, as applicable. The bill as introduced provided that the request be submitted to the superintendent of the school district;
- permit a superintendent of a school district or a lead person of a charter school or renaissance school project to accept a written request of grade retention after June 30, 2021 at the superintendent's or lead person's discretion;
- remove provisions of the bill requiring a parent, guardian, or other person having legal custody of a student to consult with the school principal or another school leader prior to submitting a written request of grade retention;
- require that the parent, guardian, or other person having legal custody of a student who submits a written request of grade retention to consult with the school counselor, the child study team, or the individualized education program team, as applicable, and the student's teachers to review and evaluate whether grade retention is necessary to meet the academic and social and emotional needs of the student. The results of the consultation would be submitted to the principal of the school in which the student is enrolled or to the lead person of the charter school or renaissance school project in which the student is enrolled;

- provide that, as appropriate, a parent, guardian, or other person having legal custody of a student who submits a written request of grade retention may request a conference with the school principal or the lead person of the charter school or renaissance school in which the student is enrolled, as applicable, to discuss the results of the consultation conducted under the bill;
- require that the school principal or lead person, as applicable, grant the request for grade retention if it is determined that grade retention is necessary to meet the academic and social and emotional needs of the student. If there is not a consensus as to whether grade retention is necessary, the superintendent of the school district, or the superintendent's designee, or the lead person of the charter school or renaissance school project, as applicable, would review the results of the consultation and make a final determination to grant or deny the written request of grade retention;
- provide that, in the event that a superintendent or a lead person determines to accept a written request of grade retention submitted after June 30, 2021, a consultation would be conducted in accordance with the procedures for requests submitted prior to that deadline, except that the results of the consultation will be submitted to the superintendent or to the lead person, as applicable;
- require that a school district, charter school, or renaissance school project would report the number of students who were retained at their grade level under the bill to the Department of Education in accordance with reporting requirements to be established by the department; and
- make technical changes.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 5365

STATE OF NEW JERSEY

DATED: JUNE 22, 2021

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 5365 (1R).

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

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

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

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

Under the bill, when a written request of grade retention is submitted, 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 would transmit the written request, as soon as practicable, to the superintendent or other chief administrative officer of the school of attendance.

Under the bill, 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 in accordance with reporting requirements to be established by the department.

As reported, this bill is identical to Senate Bill No. 3872, which was also reported favorably by the committee on this date.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

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.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 3872

STATE OF NEW JERSEY

DATED: JUNE 22, 2021

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3872.

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

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

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

The bill also permits a school district superintendent or a lead person of a charter school or renaissance school project to accept a written request of grade retention after June 30, 2021. A superintendent or lead person who chooses to accept a written

request of grade retention after June 30, 2021 may grant the request upon review in accordance with the same procedures required for written requests submitted prior to June 30, 2021.

Under the bill, when a written request of grade retention is submitted, 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 would transmit the written request, as soon as practicable, to the superintendent or other chief administrative officer of the school of attendance.

Under the bill, 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 in accordance with reporting requirements to be established by the department.

As reported, this bill is identical to Assembly Bill No. 5365 (1R), which was also reported favorably by the committee on this date.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

Governor Murphy Takes Action on Legislation

06/30/2021

TRENTON – Today, Governor Murphy signed the following bills into law:

A-5365/S-3872 (Caputo, Sumter, Mukherji/Turner, Ruiz) – Permits parent or guardian to request grade retention for student during 2021-2022 school year.

S-758/A-1032 (Gopal, Scutari/Downey, Kean, Bramnick) – Reopens Workers Compensation Judges Part of PERS and requires Workers' Compensation Judges to be enrolled in PERS.