

18A:35-4.9

LEGISLATIVE HISTORY CHECKLIST

NJSA: 18A:35-4.9 (Schools--standards for pupil promotion and retention--providing remedial instruction)

LAWS OF: 1985 **CHAPTER:** 480

BILL NO: A632

Sponsor(s): Doria and Charles

Date Introduced: Pre-filed

Committee: Assembly: Education
Senate: Education

Amended during passage: Yes according to Governor's recommendations Amendments denoted by asterisks

Date of Passage: **Assembly:** June 18, 1984 Re-enacted 1-13-86
Senate: December 9, 1985 Re-enacted 1-13-86

Date of Approval: January 17, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes
Senate Yes

Fiscal Note: No

Veto Message: Yes

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

1-17-86

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 632

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Assemblymen DORIA and CHARLES

AN ACT concerning education and establishing ****[standards]****
policies and procedures for pupil promotion ***and reme-
 diation*** in the public schools and supplementing Title 18A of
 the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
 2 *of New Jersey:*

1 ****[1. The New Jersey Legislature finds and declares that there**
 2 are certain standards of performance that each pupil should be ex-
 3 pected to meet for each subject in each grade level prior to being
 4 promoted to the next grade; and that remedial action should be
 5 taken immediately upon determining that a pupil will not be able
 6 to meet the standards of performance at the appropriate time;
 7 and that parents must be fully informed about the specific skills
 8 that their child is expected to learn and the subject matter that is
 9 to be mastered for each grade level.]**

1 ****[2.]**** ***1.*** Local boards of education shall adopt policies
 2 and ****[standards]**** ***procedures*** for ****[pupil promotion that**
 3 shall include, but not be limited to]**

4 a. ****[Standards for promotion from each grade, K through**
 5 **11]**** ***Pupil promotion and remediation, related to district*
 6 *goals, objectives and pupil proficiency*** ****[, including standards**
 7 for each subject taught in a grade]**

8 b. Notification to parents of ****[grade and subject standards]****
 9 ***policies and procedures for student promotion and remedia-*
 10 *tion*** and to pupils, where appropriate;

**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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted May 17, 1984.

**—Assembly amendments adopted in accordance with Governor's recommen-
 dations January 13, 1986.

11 c. Notification to parents and pupils, at appropriate times dur-
 12 ing the school year, of the pupils progress in meeting the ***pro-*
 13 *motion and remediation*** standards **and immediate consultation*
 14 *with the pupil's parent or guardian if, in the teacher's judgment,*
 15 *there is any indication that the pupil's progress may not be suf-*
 16 *ficient to meet **[the]**** **these** Standards*;*

17 **[d. Consultation with parents on the remedial actions to be*
 18 *taken when a pupil fails to meet the standards. These actions*
 19 *shall include one or more of the following:*

20 (1) Summer school;

21 (2) Retention in grade;

22 (3) Special improvement programs;]*

23 **[e.]** *d.* Procedures for parents and adult pupils to appeal*
 24 *promotion/retention decisions; *and**

25 **[f. Procedures for promotion/retention decisions concerning*
 26 *classified pupils; and]**

27 **[g.]** *e.* Procedures to ensure that parents, teachers and*
 28 *students, where appropriate, participate in the development of*
 29 **[procedures for pupil promotion and retention]* *the policy*.*

1 ***[3.]** **2.** * [The Department of Education shall approve*
 2 *all promotion policies of local districts according to standards*
 3 *approved by the State Board of Education in each of the above*
 4 *areas and in any other area concerning pupil promotion.]* *The*
 5 *State Board of Education shall adopt pursuant to the "Adminis-*
 6 *trative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.)*
 7 *such rules and regulations as are deemed appropriate to carry*
 8 *out the provisions of this act.**

1 ***[4.]** **3.** This act shall take effect immediately.*

ASSEMBLY, No. 632

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Assemblymen DORIA and CHARLES

AN ACT concerning education and establishing standards for pupil promotion in the public schools and supplementing Title 18A of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. The New Jersey Legislature finds and declares that there are
2 certain standards of performance that each pupil should be ex-
3 pected to meet for each subject in each grade level prior to being
4 promoted to the next grade; and that remedial action should be
5 taken immediately upon determining that a pupil will not be able
6 to meet the standards of performance at the appropriate time;
7 and that parents must be fully informed about the specific skills
8 that their child is expected to learn and the subject matter that is
9 to be mastered for each grade level.

1 2. Local boards of education shall adopt policies and standards
2 for pupil promotion that shall include, but not be limited to:

3 a. Standards for promotion from each grade, K through 11,
4 including standards for each subject taught in a grade;

5 b. Notification to parents of grade and subject standards and to
6 pupils, where appropriate;

7 c. Notification to parents and pupils, at appropriate times during
8 the school year, of the pupil's progress in meeting the standards;

9 d. Consultation with parents on the remedial actions to be taken
10 when a pupil fails to meet the standards. These actions shall in-
11 clude one or more of the following:

12 (1) Summer school;

- 13 (2) Retention in grade ;
14 (3) Special improvement programs ;
15 e. Procedures for parents and adult pupils to appeal promotion/
16 retention decisions ;
17 f. Procedures for promotion/retention decisions concerning
18 classified pupils ; and
19 g. Procedures to ensure that parents, teachers and students,
20 where appropriate, participate in the development of procedures
21 for pupil promotion and retention.
- 1 3. The Department of Education shall approve all promotion
2 policies of local districts according to standards approved by the
3 State Board of Education in each of the above areas and in any
4 other area concerning pupil promotion.
- 1 4. This act shall take effect immediately.

STATEMENT

This bill requires local boards of education to establish standards for pupil retention and promotion and provide remedial instruction for students who fail to meet the standards. In addition, local districts are required to fully inform both students and parents as to the standards of performance that the students will be expected to meet prior to being promoted into the succeeding grade.

AB32 (1985)

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 632

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MAY 17, 1984

PROVISIONS:

In addition to requiring local districts to establish pupil promotion policies, this bill, as amended, would require local districts to establish pupil promotion standards for each grade K through 11, and routinely notify parents at "appropriate times during the school year" whether or not their children are meeting the promotion standards. If, in the judgment of the teacher, the pupil's progress during the year may not be sufficient to meet the standards for promotion, the teacher is required to consult with the pupil's parent or guardian immediately.

The bill would also require the establishment of procedures for adult students to appeal any decision concerning their promotion or retention and for parents to appeal any decision concerning the promotion or retention of any pupil in either a regular program or a special education program. The process for the development of the appeal procedures is to include parents, teachers and students where appropriate.

BACKGROUND:

Currently, the Department of Education is only required to ensure that local districts adopt policies for pupil promotion as provided under N. J. A. C. 6:8-4.2. This bill would require the Department of Education to ensure that local districts do the following things that currently they are not required to do:

1. Establish standards for pupil promotion in grades K through 11;
2. Notify parents and students about the standards;
3. Notify and consult with parents during the year, if in the teacher's judgment the pupil may not need the standard for promotion;
4. Establish appeal procedures for both parents and adult students to appeal promotion/retention policies; and
5. Include parents, teachers and students, where appropriate, in the development of the appeal procedures.

COMMITTEE AMENDMENTS:

The amendments eliminate the following requirements in the bill:

1. Development of standards for each subject taught in a grade;
2. Consultation with parents on any remedial program for the child;

3. Participation of parents in the establishment of procedures for pupil promotion and retention; and

4. Department approval of all local promotion policies.

In addition, the committee amendments require the parent to be notified if, in the teacher's judgment, the pupil's progress during the year may not be sufficient to meet the standards. Further, the amendments require the State Board to adopt rules and regulations where appropriate.

SENATE EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 632

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: SEPTEMBER 20, 1984

PROVISIONS:

In addition to requiring local districts to establish pupil promotion policies, this bill, as amended, would require local districts to establish pupil promotion standards for each grade K through 11, and routinely notify parents at "appropriate times during the school year" whether or not their children are meeting the promotion standards. If, in the judgment of the teacher, the pupil's progress during the year may not be sufficient to meet the standards for promotion, the teacher is required to consult with the pupil's parent or guardian immediately.

The bill would also require the establishment of procedures for adult students to appeal any decision concerning their promotion or retention and for parents to appeal any decision concerning the promotion or retention of any pupil in either a regular program or a special education program. The process for the development of the appeal procedures is to include parents, teachers and students where appropriate.

BACKGROUND:

Currently, the Department of Education is only required to ensure that local districts adopt policies for pupil promotion as provided under N. J. A. C. 6:8-4.2. This bill would require the Department of Education to ensure that local districts do the following things that currently they are not required to do:

1. Establish standards for pupil promotion in grades K through 11;
2. Notify parents and students about the standards;
3. Notify and consult with parents during the year, if in the teacher's judgment the pupil may not need the standard for promotion;
4. Establish appeal procedures for both parents and adult students to appeal promotion/retention policies; and
5. Include parents, teachers and students, where appropriate, in the development of the appeal procedures.

January 13, 1986

ASSEMBLY BILL NO. 632 (OCR)

To the General Assembly:

Pursuant to Article V, Section 1, paragraph 14 of the Constitution, I herewith return Assembly Bill No. 632 (OCR) with my objections and recommendations for amendment.

This legislation requires local boards of education, with the participation of parents, teachers and students, to establish standards for pupil retention and promotion and to fully inform both parents and students as to the standards of performance that students will be expected to meet prior to being promoted into the succeeding grade. The bill also provides for immediate consultation with the pupil's parent or guardian if, in the teacher's judgment, there is any indication that the pupil's progress may not be sufficient to meet these standards.

The concept of developing and publicizing standards for educational performance is desirable, especially if done in conjunction with parents, teachers and, where applicable, students. However, the issue of whether to establish grade and subject standards should be left to the discretion of local school districts after taking into consideration the wide variety of student abilities, interests and needs. Under current administrative regulations, each local board of education is required to establish promotion policies which reflect the goals and objectives of that individual district. These policies, which take into consideration the characteristics and needs of each community, provide a flexible approach for evaluating the progress of each pupil and can include the establishment of grade and subject graduation standards.

Under this bill, boards of education would be required to adopt standards for promotion which may not take into account the different pace at which students advance. For example, under this bill a third grade student who performs satisfactorily in all subjects except for math might not be promoted to the fourth grade, even though his overall performance may warrant advancement. Although the establishment of standards is an inevitable part of the educational process, local school districts should have an opportunity to perform individualized assessments of pupil progress and determine whether

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

2

there is any necessity for grade and subject graduation standards. For this reason, I am proposing removal of the requirement that the standards to be established pursuant to this bill must include grade and subject standards and suggesting instead that promotion and remediation policies be established in each district with parental and teacher involvement.

Therefore, I herewith return Assembly Bill No. 632 (OCR) and recommend that it be amended as follows:

- Page 1, Title, Line 1: Delete "standards" insert "policies and procedures"
- Page 1, Title, Line 2: After "promotion" insert "and remediation"
- Page 1, Section 1, Lines 1-9: Delete in entirety
- Page 1, Section 2, Line 1: Delete "2." insert "1."; delete "standards" and insert "procedures"
- Page 1, Section 2, Line 2: Delete "pupil promotion that shall include, but not be limited to"
- Page 1, Section 2, Line 3: Delete "standards for promotion from each grade, K through 11" insert "Pupil promotion and remediation, related to district goals, objectives and pupil proficiency"
- Page 1, Section 2, Line 5: Delete "grade and subject standards" and insert "policies and procedures for student promotion and remediation"
- Page 1, Section 2, Line 8: After "meeting the" insert "promotion and remediation"
- Page 1, Section 2, Line 8C: Delete "the" and insert "these"
- Page 2, Section 3, Line 1: Delete "3." insert "2."
- Page 2, Section 4, Line 1: Delete "4." insert "3."

Respectfully,
/s/ Thomas H. Kean
GOVERNOR

[seal]

Attest:

/s/ W. Cary Edwards
Chief Counsel