

**ASSEMBLY, No. 4357**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED JULY 2, 2020

**Sponsored by:**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Permits special education students and bilingual education students to repeat prior year grade level during 2020-2021 school year upon parental request.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 7/2/2020)**

1 AN ACT concerning the voluntary grade retention of certain  
2 students during the 2020-2021 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 the provisions of any other law to the  
8 contrary, during the 2020-2021 school year, a special education  
9 student or bilingual education student shall be permitted to repeat  
10 the same grade level in which the student was enrolled during the  
11 2019-2020 school year, provided that the parent, guardian, or other  
12 person having legal custody of the student submits a written request  
13 of grade retention, in accordance with subsection b. of this section,  
14 before September 1, 2020.

15 b. (1) The parent, guardian, or other person having legal  
16 custody of a special education student or bilingual education  
17 student shall submit the written request of grade retention to the  
18 superintendent of the school district of residence.

19 (2) When the parent, guardian, or other person having legal  
20 custody of a special education student or bilingual education  
21 student submits a written request of grade retention to the  
22 superintendent of the school district of residence, and the student  
23 will attend a school outside of the school district of residence  
24 during the 2020-2021 school year, the superintendent of the school  
25 district of residence shall transmit the written request, as soon as  
26 practicable, to the superintendent or other chief administrative  
27 officer of the school of attendance.

28 c. Nothing in this section shall be construed to limit the rights  
29 afforded to a special education student under the federal  
30 “Individuals with Disabilities Education Act”  
31 (20 U.S.C. s.1400 et seq.), including the student’s right to  
32 compensatory education when such relief shall be granted.

33 d. As used in this section:

34 “Bilingual education student” means a student who is enrolled in  
35 a program of bilingual education or an English as a Second  
36 Language program approved by the State Board of Education.

37 “School of attendance” means a public school or approved  
38 private school for students with disabilities which a special  
39 education student or bilingual education student attends.

40 “Special education student” means a student who receives  
41 programs and services pursuant to chapter 46 of Title 18A of the  
42 New Jersey Statutes.

43  
44 2. This act shall take effect immediately.

STATEMENT

This bill provides that during the 2020-2021 school, special education and bilingual education students may repeat the grade level in which the student was enrolled during the 2019-2020 school year, provided that the parent, guardian, or other person having legal custody of the student submits a written request before September 1, 2020.

Under the bill, the parent, guardian, or other person having legal guardian of a special education student or bilingual education student would be required to submit the written request to the superintendent of the student's school district of residence. When the parent, guardian, or other person having legal custody of a special education or bilingual education student submits the written request to the superintendent of the school district of residence, and the student will attend a school outside of the school district of residence during the 2020-2021 school year, the bill requires the superintendent to transmit the written request, as soon as practicable, to the superintendent or other chief administrative officer of the student's school of attendance.