

[First Reprint]

SENATE, No. 3470

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 19, 2021

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

SYNOPSIS

Allows certain students to repeat prior grade level during 2021-2022 school year upon parental request.

CURRENT VERSION OF TEXT

As reported by the Senate Education Committee on March 9, 2021, with amendments.



(Sponsorship Updated As Of: 2/23/2021)

1 AN ACT concerning the voluntary grade retention of certain
2 students during the 2021-2022 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 section 1 of P.L.1985, c.408 (C.18A:35-
8 4.9) or any other law or regulation to the contrary, for the 2021-
9 2022 school year, a school district ¹, charter school, and renaissance
10 school,¹ shall permit a ¹**["general education"]**¹ student enrolled in
11 any of the grades kindergarten through 12 during the 2020-2021
12 school year to repeat the same grade level in which the student was
13 enrolled during the 2020-2021 school year, provided that the parent,
14 guardian, or other person having legal custody of the student
15 submits a written request of grade retention to the superintendent of
16 the school district ¹or the lead person of a charter school or
17 renaissance school¹, in accordance with subsection b. of this
18 section, on or before June 1, 2021. A superintendent ¹or lead
19 person¹ may approve or deny a written request of grade retention
20 submitted by the parent, guardian, or other person having legal
21 custody of the ¹**["general education"]**¹ student after June 1, 2021 at
22 the superintendent's ¹or lead person's¹ discretion.

23 b. (1) The parent, guardian, or other person having legal
24 custody of a ¹**["general education"]**¹ student shall consult with a
25 school counselor, guidance counselor, or other school staff member
26 who provides academic counseling to the student prior to
27 submitting a request for grade retention pursuant to the provisions
28 of this act.

29 (2) Following consultation with the school counselor, guidance
30 counselor, or other staff member pursuant to paragraph (1) of this
31 subsection, the parent, guardian, or other person having legal
32 custody of the ¹**["general education"]**¹ student may submit a written
33 request of grade retention to the superintendent of the school
34 district of residence ¹or to the lead person of a charter school or
35 renaissance school¹. The written request of grade retention shall
36 include a statement signed by the parent, guardian, or other person
37 having legal custody of the student and the school staff member
38 with whom the consultation was conducted confirming completion
39 of the consultation required under paragraph (1) of this subsection.

40 (3) When the parent, guardian, or other person having legal
41 custody of the ¹**["general education"]**¹ student submits a written
42 request of grade retention to the superintendent of the school
43 district of residence ¹or to the lead person of a charter school or

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:

¹Senate SED committee amendments adopted March 9, 2021.

1 renaissance school¹, and the student will attend a school outside of
2 the school district of residence ¹or a school other than the charter
3 school or renaissance school¹ during the 2021-2022 school year, the
4 superintendent of the school district of residence ¹or to the lead
5 person of a charter school or renaissance school¹ shall transmit the
6 written request, as soon as practicable, to the superintendent or
7 other chief administrative officer of the school of attendance.

8 c. A request of grade retention by a parent, guardian, or other
9 person having legal custody of a ¹**["general education"]**¹ student
10 based solely on concerns surrounding learning loss during the 2020-
11 2021 school year shall be sufficient grounds for retaining a child
12 during the 2021-2022 school year.

13 d. A parent, guardian, or other person having legal custody of a
14 ¹**["general education"]**¹ student shall not be permitted to rescind a
15 request for grade retention made pursuant to the provisions of this
16 act after the first day of the 2021-2022 school year.

17 e. A school district ¹, charter school, and renaissance school¹
18 shall report the number of ¹**["general education"]**¹ students enrolled
19 in the schools of the district ¹, charter school, or renaissance school¹
20 that repeat a grade level pursuant to the provisions of this act to the
21 Department of Education by June 1, 2022.

22 f. ¹Notwithstanding any provision of this section to the
23 contrary, and in addition to the requirements set forth in subsection
24 b. of this section, a request of grade retention made on behalf of a
25 student with disabilities who receives special education and related
26 services shall not be granted unless the request is approved in
27 conjunction with the individualized education program team or 504
28 coordinator, as applicable, in accordance with all applicable federal
29 and State law.

30 g.¹ Nothing herein shall be construed to limit, supersede, or
31 preempt the rights, privileges, remedies, or procedures afforded to
32 students with disabilities under federal or State law or any provision
33 of an individualized education program or 504 plan developed and
34 implemented pursuant to federal or State law.

35 ¹**["g] h**¹. As used in this section, "school of attendance" means
36 a public school.

37
38 2. To the extent permitted by federal law, the Department of
39 Education shall provide monies, as necessary, received by the State
40 pursuant to the federal "Coronavirus Aid, Relief, and Economic
41 Security Act," Pub.L.116-136, or any other financial assistance
42 provided by the federal government to address the impact of the
43 COVID-19 pandemic on elementary and secondary schools, to
44 school districts ¹, charter schools, and renaissance schools¹ to
45 implement the provisions of this act.

46
47 3. This act shall take effect immediately.