

SENATE, No. 3381

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED JANUARY 24, 2019

Sponsored by:
Senator M. TERESA RUIZ
District 29 (Essex)

SYNOPSIS

Revises provisions of law concerning graduation proficiency test and eliminates requirement that graduation proficiency test be administered in eleventh grade.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT concerning State assessment requirements for high school
2 graduation and amending P.L.1979, c.241, P.L.1988, c.168, and
3 P.L.1995, c.235.

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

7
8 1. Section 1 of P.L.1979, c.241 (C.18A:7C-1) is amended to
9 read as follows:

10 1. By July 1, 1980 the Commissioner of Education with the
11 approval of the State Board of Education shall establish a program
12 of standards for graduation from secondary school. Such a
13 program shall include, but not be limited to:

14 a. The development or designation of a Statewide assessment
15 **[test]** or assessments in reading, writing and computational skills to
16 be administered to all **[secondary school]** pupils as provided
17 **[herein]** pursuant to section 6 of P.L.1979, c.241 (C.18A:7C-6);

18 b. Clear and explicit Statewide levels of high school proficiency
19 and college and career readiness in reading, writing and
20 computational skills to be demonstrated as a minimum requirement
21 for high school graduation;

22 c. Guidelines for the development of graduation standards by
23 local boards of education;

24 d. Guidelines for remediation procedures for pupils who fail to
25 meet graduation standards; and

26 e. Guidelines for graduation standards for those pupils classified
27 pursuant to chapter 46 of Title 18A of the New Jersey Statutes.
28 (cf: P.L.1979, c.241, s.1)

29
30 2. Section 2 of P.L.1979, c.241 (C.18A:7C-2) is amended to
31 read as follows:

32 2. Pursuant to guidelines established by the Commissioner of
33 Education, each board of education shall establish standards for
34 graduation from its secondary schools. The standards shall include,
35 but need not be limited to:

36 a. Satisfactory performance on the Statewide assessment **[test]**
37 or assessments as provided for in section 1 of P.L.1979, c.241
38 (C.18A:7C-1) and section 6 of P.L.1979, c.241 (C.18A:7C-6);

39 b. Demonstration of proficiencies in those subject areas and
40 skills identified by the board as necessary for graduation other than
41 those assessed by the Statewide assessment **[tests]** or assessments.

42 The Commissioner of Education shall monitor local plans for the
43 assessment of proficiencies required for graduation including
44 techniques and instruments to be used to determine pupil
45 proficiency; required programs designed to provide the opportunity

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.

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1 for pupils to progress toward the mastery of proficiencies required
2 for graduation; and remediation programs for pupils who fail to
3 meet graduation proficiency standards in order to assure compliance
4 with the requirement of P.L.1979, c.241 (C.18A:7C-1 et seq.).

5 The Commissioner of Education shall, upon request of the local
6 board, provide such technical assistance as may be necessary to aid
7 a district in the planning, implementation and evaluation of
8 graduation standards.

9 (cf: P.L.1996, c.138, s.46)

10
11 3. Section 3 of P.L.1979, c.241 (C.18A:7C-3) is amended to
12 read as follows:

13 3. For any student who does not meet the State and district
14 **【examination】** assessment standards for graduation **【by the end of**
15 **11th grade】**, the local board of education when appropriate shall
16 provide additional remedial instruction specifically directed toward
17 mastery of those proficiencies identified as necessary for the
18 awarding of a diploma which may include but need not be limited to
19 an extended school year, extended school day, or additional school
20 years.

21 Any **【12th grade】** student who does not meet said requirements
22 but who has taken the requisite assessment or assessments pursuant
23 to section 6 of P.L.1979, c.241 (C.18A:7C-6) and who has met all
24 the credit, curriculum and attendance requirements shall be eligible
25 for a comprehensive assessment of said proficiencies utilizing
26 techniques and instruments other than standardized tests, which
27 techniques and instruments shall have been approved by the
28 Commissioner of Education as fulfilling State and local graduation
29 requirements.

30 (cf: P.L.1988, c.168, s.1)

31
32 4. Section 4 of P.L.1979, c.241 (C.18A:7C-4) is amended to
33 read as follows:

34 4. All students who meet State and local graduation
35 requirements shall receive a State endorsed diploma; provided,
36 however, that the Commissioner of Education shall approve any
37 State endorsed diploma which utilizes the comprehensive
38 assessment techniques as provided in section 3 of P.L. 1979, c. 241
39 (C. 18A:7C-3).

40 Local districts may not provide a high school diploma to students
41 not meeting these standards. Any out-of-school youth or adult age
42 18 or over who has otherwise met the district graduation
43 requirements but has failed to earn a State endorsed diploma may
44 take the graduation **【proficiencies test】** proficiency assessment or
45 assessments which **【has】** have been developed or designated and
46 administered under the auspices of the Commissioner of Education
47 pursuant to section 1 of P.L.1979, c.241 (C.18A:7C-1) and section 6

1 of P.L.1979, c.241 (C.18A:7C-6). Upon passing **【this test】** the
2 assessment or assessments, a State endorsed diploma will be
3 granted.

4 Each board of education shall provide, in a format approved by
5 the Commissioner of Education, a performance transcript for each
6 student leaving secondary school.
7 (cf: P.L.1988, c.168, s.2)

8
9 5. Section 6 of P.L.1979, c.241 (C.18A:7C-6) is amended to
10 read as follows:

11 6. **【In the school year which begins in September 1993, and**
12 **annually thereafter, the State graduation proficiency test shall be**
13 **administered to all 11th grade pupils and to any 11th or 12th grade**
14 **pupil who has previously failed to demonstrate mastery of State**
15 **graduation proficiency standards on said test】** The State shall
16 administer an assessment or assessments designed to test high
17 school proficiency and college and career readiness. Any pupil who
18 initially does not demonstrate proficiency on the assessment or
19 assessments shall be given an opportunity to retest. The mastery of
20 proficiencies required to fulfill local graduation standards shall be
21 determined as appropriate under local board of education
22 assessment plans.

23 Students in the graduating classes of 2019 and 2020 shall be
24 deemed to have met the graduation assessment requirements if they
25 satisfy the State Board of Education regulations that were in place
26 as of December 30, 2018 concerning graduation assessment
27 requirements for the class of 2019.

28 For the graduating classes of 2021 and thereafter, the graduation
29 proficiency assessment or assessments shall be developed or
30 designated by the Commissioner of Education, with the approval of
31 the State Board of Education, as provided pursuant to section 1 of
32 P.L.1979, c.241 (C.18A:7C-1).

33 (cf: P.L.1988, c.168, s.3)

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35 6. Section 5 of P.L.1988, c.168 (C.18A:7C-6.1) is amended to
36 read as follows:

37 5. In the development or designation of the graduation
38 proficiency **【test】** assessment or assessments to be administered **【to**
39 **all 11th grade pupils】** pursuant to section 6 of P.L.1979, c.241
40 (C. 18A:7C-6), the Commissioner of Education shall consult with
41 educators, parents, students, business and community
42 representatives and members of minority groups. The **【test】**
43 assessment or assessments shall measure **【those basic】** high school
44 proficiency and the college and career readiness skills all students
45 must possess to function politically, economically and socially in a
46 democratic society.

47 (cf: P.L.1988, c.168, s.5)

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1 7. Section 4 of P.L.1988, c.168 (C.18A:7C-6.2) is amended to
2 read as follows:

3 4. The Commissioner of Education shall develop and
4 administer to all eighth grade pupils in the school year which begins
5 in September 1990, and annually thereafter, a test to assess progress
6 toward mastery of State graduation proficiency standards. For any
7 student not meeting established examination standards, the local
8 board of education shall provide for appropriate remediation in
9 areas of demonstrated deficiency. Appropriate remediation may
10 include after school, weekend and summer programs.

11 The local board of education shall provide all students with
12 appropriate instructional support and preparation to meet the State
13 graduation proficiency standards.

14 (cf: P.L.1990, c.52, s.36)

15

16 8. Section 7 of P.L.1979, c.241 (C.18A:7C-7) is amended to
17 read as follows:

18 7. The local chief school administrators shall report annually to
19 their local boards of education and to the Commissioner of
20 Education the number of students who completed the twelfth grade
21 course requirements and were denied a diploma and the number of
22 students who received State endorsed diplomas;

23 a. By successfully completing the Statewide assessment **[tests]**
24 or assessments and local requirements;

25 b. By using the comprehensive assessment techniques and
26 meeting local requirements, and were not classified pursuant to
27 chapter 46 of Title 18A of the New Jersey Statutes; and

28 c. By using the comprehensive assessment techniques, meeting
29 local requirements, and were classified pursuant to chapter 46 of
30 Title 18A of the New Jersey Statutes.

31 This report to the commissioner shall be included as a portion of
32 the district annual report required under section 11 of P.L.1975, c.
33 212 (C. 18A:7A-11).

34 (cf: P.L.1979, c.241, s.7)

35

36 9. Section 7 of P.L.1988, c.168 (C.18A:7C-10) is amended to
37 read as follows:

38 7. Not later than September 1, 1989 and annually thereafter, the
39 Commissioner of Education shall report to the Governor and
40 Legislature on the impact of the State graduation proficiency **[test]**
41 assessment or assessments required pursuant to section 6 of
42 P.L.1979, c.241 (C.18A:7C-6). In addition to including data on
43 **[test]** assessment performance of students, this annual report shall
44 include data on the number of students who have dropped out of
45 school, the number of students who have failed to take the **[test]**
46 assessment or assessments, curriculum realignments in grades K-12
47 to prepare students for the **[examination]** assessment or

1 assessments, analysis of remediation efforts for students who have
2 failed the **【examination】** assessment or assessments, testing
3 requirements and practices in grades K-8 and any other related
4 matters requested by the Chairman of the Joint Committee on the
5 Public Schools or the chairman of the education committee of either
6 House of the Legislature. The report shall also enumerate the
7 efforts by the Department of Education to assist local school
8 districts in the areas of pupil retention, curriculum alignment and
9 remediation.
10 (cf: P.L.1988, c.168, s.7)

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12 10. Section 8 of P.L.1988, c.168 (C.18A:7C-11) is amended to
13 read as follows:

14 8. a. Not later than September 1, 1990 the Joint Committee on
15 the Public Schools shall evaluate and report to the Legislature on
16 the status of proficiency testing in the public schools of New Jersey.
17 Among other topics the report shall specifically address: (1) how
18 New Jersey's testing program compares to that in other states, (2)
19 the advisability of requiring State administered tests in elementary
20 grades, and (3) whether any changes in the statutes providing for
21 the State graduation proficiency **【test】** assessment or assessments
22 are appropriate. The committee's analysis shall include an
23 evaluation of all provisions of this amendatory and supplementary
24 act and any recommendations for additional legislation. The joint
25 committee shall use the funds appropriated or otherwise made
26 available, in addition to all other resources to which the committee
27 may have access, to secure the expertise necessary to conduct this
28 evaluation and shall report its findings to the Governor and
29 Legislature.

30 b. Beginning in 1991, the Joint Committee on the Public
31 Schools shall undertake an annual evaluation of the report
32 submitted to the Legislature by the Commissioner of Education
33 pursuant to section 7 of this amendatory and supplementary act.
34 (cf: P.L.1988, c.168, s.8)

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36 11. Section 3 of P.L.1995, c.235 (C.18A:7E-3) is amended to
37 read as follows:

38 3. Report cards issued pursuant to section 2 of this act shall
39 include, but not be limited to, the following information for:

40 a. the school district and for each school within the district, as
41 appropriate:

42 (1) results of the elementary assessment programs;

43 (2) results of the Early Warning Test;

44 (3) results of the **【High School Proficiency Test】** graduation
45 proficiency assessment or assessments administered pursuant to
46 section 6 of P.L.1979, c.241 (C.18A:7C-6);

47 (4) daily attendance records for students and professional staff;

48 (5) student graduation and dropout rates;

- 1 (6) annual student scores on the Scholastic Aptitude Test;
- 2 (7) total student enrollment, percentage of limited English
3 proficient students, percentage of students in advanced placement
4 courses, and any other school characteristics which the
5 commissioner deems appropriate;
- 6 (8) instructional resources including teacher/student ratio,
7 average class size and amount of instructional time per day, as
8 calculated by formulas specified by the commissioner;
- 9 (9) a written narrative by the school principal or a designee
10 which describes any special achievements, events, problems or
11 initiatives of the school or district;
- 12 (10) data identifying the number and nature of all reports of
13 harassment, intimidation, or bullying;
- 14 (11) indicators of student career readiness;
- 15 (12) the number and percentage of students who were chronically
16 absent, as defined in rules and regulations promulgated by the
17 Commissioner of Education within 90 days of the effective date of
18 P.L.2018, c.23 (C.18A:38-25.1 et al.), including the number and
19 percentage of students who were chronically absent disaggregated
20 by multiple student subgroups to be determined by the
21 commissioner ; and
- 22 (13) the number and percentage of students who received a
23 disciplinary suspension; and
- 24 b. the school district, as appropriate:
 - 25 (1) per pupil expenditures and State aid ratio;
 - 26 (2) percent of budget allocated for salaries and benefits of
27 administrative personnel;
 - 28 (3) percent of budget allocated for salaries and benefits of
29 teachers;
 - 30 (4) percentage increase over the previous year for salaries and
31 benefits of administrative and instructional personnel;
 - 32 (5) the number of administrative personnel and the ratio of
33 administrative personnel to instructional personnel;
 - 34 (6) a profile of the most recent graduating class concerning
35 their educational or employment plans following graduation; and
 - 36 (7) any other information which the commissioner deems
37 appropriate.

38 For the purposes of this section, the Commissioner of Education
39 shall establish a uniform methodology for the reporting of the data
40 concerning administrative personnel on a full-time equivalent basis.
41 (cf: P.L.2018, c.23, s.1)

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43 12. This act shall take effect immediately.

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STATEMENT

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1 Under current law, P.L.1979, c.241 (C.18A:7C-1 et seq.), the
2 Commissioner of Education and the State Board of Education are
3 required to establish a program of standards for graduation from
4 high school, including the development of a Statewide assessment
5 test in reading, writing, and computational skills. The State
6 graduation proficiency test is required to be administered to all 11th
7 grade students, and to any 11th or 12th grade student who has not
8 yet demonstrated proficiency on the test.

9 This bill amends the provisions of current law concerning the
10 graduation proficiency test to provide for the development or
11 designation of a Statewide assessment or assessments in reading,
12 writing, and computational skills. The bill also eliminates the
13 requirement that the assessment be administered specifically in the
14 11th grade. Under the bill, the State will be required to administer
15 an assessment or assessments designed to test high school
16 proficiency and college and career readiness, and any student who
17 initially does not demonstrate proficiency on the assessment or
18 assessments must be given an opportunity to retest. The bill
19 contains a grandfather provision for students in the graduating
20 classes of 2019 and 2020, providing that these students will be
21 deemed to have met graduation assessment requirements if they
22 satisfy the State Board of Education regulations that were in place
23 as of December 30, 2018 concerning graduation assessment
24 requirements for the class of 2019.

25 The bill also amends current law to provide that a student who
26 has not met all graduation standards but who has met all credit,
27 curriculum, and attendance requirements, must have taken the
28 graduation proficiency assessment or assessments in order to be
29 eligible for a comprehensive assessment of proficiencies utilizing
30 techniques other than standardized tests as provided in section 3 of
31 P.L.1979, c.241 (C.18A:7C-3).