ASSEMBLY, No. 4639

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED SEPTEMBER 22, 2022

Sponsored by:
Assemblyman RALPH R. CAPUTO
District 28 (Essex)
Assemblywoman MILA M. JASEY
District 27 (Essex and Morris)
Assemblywoman ANGELA V. MCKNIGHT
District 31 (Hudson)
Assemblyman BENJIE E. WIMBERLY
District 35 (Bergen and Passaic)

Co-Sponsored by:
Assemblywomen Reynolds-Jackson, Matsikoudis, Jaffer, Assemblyman Umba, Assemblywoman Swain, Assemblymen Tully, Benson, Assemblywoman Carter, Assemblyman Spearman, Assemblywomen Park, Quijano, Assemblymen Danielsen, Calabrese, Sampson, Conaway, Freiman, Assemblywomen Speight and Lopez

SYNOPSIS
Eliminates high school graduation proficiency test.

CURRENT VERSION OF TEXT
As introduced.

(Sponsorship Updated As Of: 6/30/2023)
AN ACT concerning the high school graduation proficiency test, supplementing P.L.1979, c.241 (C.18A:7C-1 et seq.), and revising various parts of the statutory law.

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

1. (New section) Notwithstanding the provisions of any law, rule, or regulation to the contrary, the State Board of Education shall not require as part of the standards for graduation from secondary school, developed pursuant to section 1 of P.L.1979, c.241 (C.18A:7C-1), that any secondary school pupil achieve satisfactory performance on any Statewide proficiency test.

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

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

      a. The development of a Statewide assessment test in reading, writing and computational skills to be administered to all secondary school pupils as provided herein; (Deleted by amendment, P.L.____, c.__) (pending before the Legislature as this bill)

      b. Clear and explicit Statewide levels of proficiency in reading, writing and computational skills to be demonstrated as a minimum requirement for high school graduation to be determined by local boards of education; (cf: P.L.1979, c.241, s.1)

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

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

      e. Guidelines for graduation standards for those pupils classified pursuant to chapter 46 of Title 18A of the New Jersey Statutes.

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

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

      a. Satisfactory performance on the Statewide assessment test as provided for in section 1 of P.L.1979, c.241 (C.18A:7C-1);

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

The Commissioner of Education shall monitor local plans for the assessment of proficiencies required for graduation including techniques and instruments to be used to determine pupil proficiency; required programs designed to provide the opportunity for pupils to progress toward the mastery of proficiencies required for graduation; and remediation programs for pupils who fail to meet graduation proficiency standards in order to assure compliance with the requirement of P.L.1979, c.241 (C.18A:7C-1 et seq.).

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

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

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

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

Local districts may not provide a high school diploma to students not meeting these standards. Any out-of-school youth or adult age 18 or over who has otherwise met the district graduation requirements but has [failed to earn] not previously been granted a State endorsed diploma [may take the graduation proficiencies test which has been developed and administered under the auspices of the Commissioner of Education. Upon passing this test, a State endorsed diploma will be granted] may apply for and shall be granted a State endorsed diploma.

Each board of education shall provide, in a format approved by the Commissioner of Education, a performance transcript for each student leaving secondary school.

(cf: P.L.1988, c.168, s.2)

5. Section 3 of P.L.2015, c.303 (C.18A:7C-15) is amended to read as follows:

3. a. The State Board of Education shall promulgate rules pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), establishing criteria for the award of a State Seal of Biliteracy. The criteria shall require a student to demonstrate proficiency in English by meeting State high school
graduation requirements in English, including through State
classifications and credits, and proficiency in one or more foreign
languages other than English. The criteria shall permit a student to
demonstrate proficiency in a foreign language other than English
through multiple methods, including nationally or internationally
recognized language proficiency tests.
For the purposes of this section, a foreign language other than
English shall also include American Sign Language, Latin, and
Native American languages.

b. The Commissioner of Education shall prepare and deliver to
participating school districts a certificate to be awarded to the
student and an appropriate insignia to be affixed to the transcript of
the student indicating that the student has been awarded the State
Seal of Biliteracy. The commissioner shall also provide any
information the commissioner deems necessary for a school district
to successfully participate in the program.

c. A school district that participates in the program under this
section shall maintain appropriate records in order to identify
students who have earned the State Seal of Biliteracy, and shall
award the certificate and affix the appropriate insignia to a
qualifying student's transcript.
d. A school district that participates in the program may pay
the costs of the program or may charge a fee to students who
participate to cover the costs.
e. Nothing in this section shall be construed as requiring a
student participating in the State Seal of Biliteracy program to take
a State graduation proficiency assessment as a requirement for
graduation from secondary school.

(cf: P.L.2015, c.303, s.3)

6. Section 3 of P.L.1995, c.235 (C.18A:7E-3) is amended to
read as follows:
3. Report cards issued pursuant to section 2 of P.L.1995, c.235
(C.18A:7E-2) shall include, but not be limited to, the following
information for:
 a. the school district and for each school within the district, as
appropriate:
 (1) results of the elementary assessment programs;
 (2) results of the Early Warning Test;
 (3) results of the High School Proficiency Test; (Deleted by
 amendment, P.L. , c. ) (pending before the Legislature as this
 bill)
 (4) daily attendance records for students and professional staff;
 (5) student graduation and dropout rates;
 (6) annual student scores on the Scholastic Aptitude Test;
 (7) total student enrollment, percentage of limited English
proficient students, percentage of students in advanced placement
courses, and any other school characteristics which the
commissioner deems appropriate;
(8) instructional resources including teacher/student ratio,
average class size and amount of instructional time per day, as
calculated by formulas specified by the commissioner;
(9) a written narrative by the school principal or a designee
which describes any special achievements, events, problems or
initiatives of the school or district;
(10) data identifying the number and nature of all reports of
harassment, intimidation, or bullying;
(11) indicators of student career readiness;
(12) the number and percentage of students who were chronically
absent, as defined in rules and regulations promulgated by the
Commissioner of Education within 90 days of the effective date of
P.L.2018, c.23 (C.18A:38-25.1 et al.), including the number and
percentage of students who were chronically absent disaggregated
by multiple student subgroups to be determined by the
commissioner;
(13) the number, percentage, and demographics, including race,
gender, disability, grade level, and eligibility for free or reduced-
price lunch under the National School Lunch Program, of students
who received one or more suspensions or expulsions or who were
reported to or arrested by law enforcement, by category of offense,
pursuant to the provisions of the Uniform State Memorandum of
Agreement Between Education and Law Enforcement Officials; and
(14) the number of school psychologists, school counselors,
social workers, student assistance coordinators, and other mental
health professionals employed by, or under contract with, the school
district to provide mental health services to students, and the ratio
of students to the total number of mental health professionals
providing services in the school and the district; and
(15) the number of school safety specialists; and
b. the school district, as appropriate:
(1) per pupil expenditures and State aid ratio;
(2) percent of budget allocated for salaries and benefits of
administrative personnel;
(3) percent of budget allocated for salaries and benefits of
teachers;
(4) percentage increase over the previous year for salaries and
benefits of administrative and instructional personnel;
(5) the number of administrative personnel and the ratio of
administrative personnel to instructional personnel;
(6) a profile of the most recent graduating class concerning
their educational or employment plans following graduation; and
(7) any other information which the commissioner deems
appropriate.
For the purposes of this section, the Commissioner of Education shall establish a uniform methodology for the reporting of the data concerning administrative personnel on a full-time equivalent basis. (cf: P.L.2021, c.387, s.1)

7. Section 10 of P.L.2011, c.176 (C.18A:36C-10) is amended to read as follows:

10. a. The renaissance school project shall be authorized for 10 years from the date of opening, subject to periodic reviews by the commissioner. The renaissance school project shall be automatically renewed for additional five-year periods provided there is not a breach of the agreement that outlines the terms and conditions of the renaissance school project. Every ten years, the commissioner shall conduct a comprehensive review of the renaissance school project prior to granting a renewal. Renewal at these 10-year intervals shall be presumed provided there is not a breach of the agreement that outlines the terms and conditions of the renaissance school project and the renaissance school project’s average percent of students proficient on the New Jersey [Assessment of Skills and Knowledge] Student Learning Assessments, if the school includes any grades from three to eight, [or on the New Jersey High School Proficiency Assessment, if the school includes grades 11 and 12.] exceed the average percent of students proficient for the renaissance school district in which it is located in like grades by 15 percent or more in language arts literacy, mathematics, or both after five years, and 25 percent or more in language arts literacy, mathematics, or both after ten years, or achieves the State-level proficiency standards during that period.

b. The commissioner shall periodically assess whether each renaissance school project is meeting its goals and improving student achievement. In order to facilitate the commissioner's review, each renaissance school project shall submit an annual report to the commissioner in the form prescribed by the commissioner. The report shall be received annually by August 1 and shall be made publicly available immediately thereafter, including on the Department of Education’s website.

c. The commissioner shall have on-going access to the records and facilities of the renaissance school project and the nonprofit entity to ensure that the renaissance school project is in compliance with its organizational document and with State laws and regulations.

d. Five years following the date of the opening of the third renaissance school project, or ten years after the opening of the first renaissance school project, whichever occurs first, a review of the efficacy of the program shall be conducted by an independent education researcher or research organization selected by the commissioner. The independent review shall be funded by the Department of Education. The review shall include interviews with
staff, parents, and resident district representatives, and a fiscal and
educational assessment. The commissioner shall report the results
of the review to the Governor, the State Board of Education, and to
the Legislature as provided pursuant to section 2 of P.L.1991, c.164
(C.52:14-19.1), and, in addition, the Governor shall report on the
efficacy of the renaissance school projects in educating students and
whether additional renaissance school districts should be authorized
and, if so, how many. The commissioner shall also recommend any
changes to this act deemed appropriate based on experience with the
renaissance school projects and the independent review.

8. The following are repealed:
Section 6 of P.L.1979, c.241 (C.18A:7C-6);
Section 5 of P.L.1988, c.168 (C.18A:7C-6.1);
Section 7 of P.L.1988, c.168 (C.18A:7C-10); and
Section 8 of P.L.1988, c.168 (C.18A:7C-11).

9. This act shall take effect immediately.

STATEMENT

This bill eliminates the high school graduation proficiency test,
which is required under current law to be taken in the 11th grade.
It is the belief of the sponsor that graduation exit testing does not
accurately represent student learning or career and college
readiness.

Studies have shown numerous flaws with standardized testing,
including variation in student performance based on external
circumstances, strong racial and socioeconomic biases, and
inconsistency with material taught in class. The purpose of using
standardized tests as graduation requirements is often to assess
college readiness, however studies have shown that other metrics,
such as grade point average, can predict the likelihood of
graduation from college up to five times better than standardized
test scores. In recent years, many states have eliminated graduation
exit testing for these reasons, and currently only 11 states still
maintain a testing requirement for high school graduation.

The bill prohibits the State Board of Education from including in
the standards for graduation from high school a requirement that
students achieve satisfactory performance on the Statewide
graduation proficiency test.

The bill also amends current law to remove various references to
the graduation proficiency test, including: the requirement that a
Statewide proficiency test be included in the State or district
standards for graduation from high school; the requirement that an
out-of-school youth or adult age 18 or older pass the graduation
proficiency test before being granted a State endorsed diploma; the
requirement that school district report cards include information regarding the results of the graduation proficiency test; and the requirement that renaissance school projects be evaluated based on students’ performance on the graduation proficiency test. The bill clarifies that a student participating in the State Seal of Biliteracy program would not be required to take a State graduation proficiency test as a condition of graduation from high school.

Finally, the bill repeals the section of law that requires the State to administer a graduation proficiency test to all 11th grade students and certain 12th grade students, and repeals the section of law that requires the Commissioner of Education to consult with educators, parents, students, business and community representatives, and members of minority groups while developing the graduation proficiency test. The bill also repeals sections of law requiring the commissioner and the Joint Committee on the Public Schools to review and report on performance on the graduation proficiency test.