

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)

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District 31 (Hudson)

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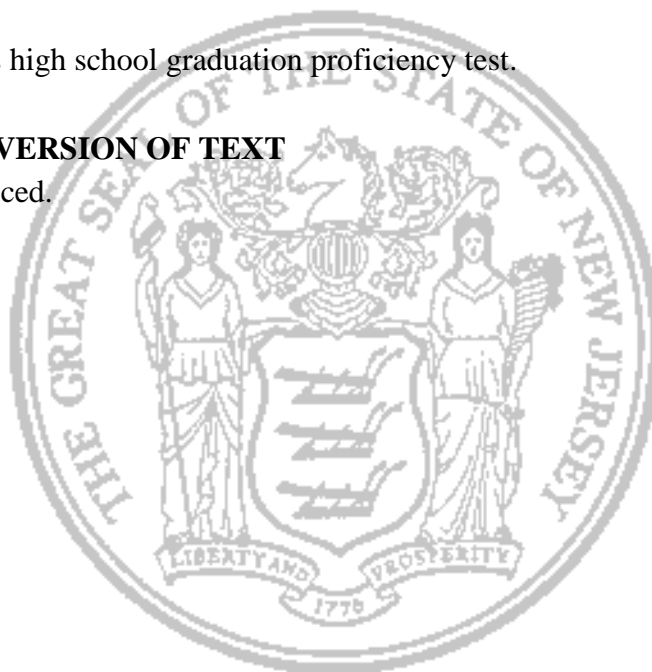
Assemblywomen Reynolds-Jackson, Matsikoudis, Jaffer, Assemblyman Umba, Assemblywoman Swain, Assemblymen Tully, Benson, Assemblywoman Carter, Assemblyman Spearman, Assemblywomen Park, Quijano, Assemblymen Danielsen and Calabrese

SYNOPSIS

Eliminates high school graduation proficiency test.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/20/2023)

1 AN ACT concerning the high school graduation proficiency test,
2 supplementing P.L.1979, c.241 (C.18A:7C-1 et seq.), and
3 revising various parts of the statutory law.

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

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

14
15 2. Section 1 of P.L.1979, c.241 (C.18A:7C-1) is amended to
16 read as follows:

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

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

25 b. **【Clear and explicit Statewide levels】** Levels of proficiency in
26 reading, writing and computational skills to be demonstrated as a
27 minimum requirement for high school graduation to be determined
28 by local boards of education ;

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

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

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

36
37 3. Section 2 of P.L.1979, c.241 (C.18A:7C-2) is amended to
38 read as follows:

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

43 a. **【Satisfactory performance on the Statewide assessment test as**
44 **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.

1 (Deleted by amendment, P.L. , c.) (pending before the
2 Legislature as this bill)

3 b. Demonstration of proficiencies in those subject areas and
4 skills identified by the board as necessary for graduation **【**other
5 than those assessed by the Statewide assessment tests**】**.

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

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

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

19

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

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

27 Local districts may not provide a high school diploma to students
28 not meeting these standards. Any out-of-school youth or adult age
29 18 or over who has otherwise met the district graduation
30 requirements but has **【failed to earn】** not previously been granted a
31 State endorsed diploma **【**may take the graduation proficiencies test
32 which has been developed and administered under the auspices of
33 the Commissioner of Education. Upon passing this test, a State
34 endorsed diploma will be granted**】** may apply for and shall be
35 granted a State endorsed diploma.

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

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

40

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

43 3. a. The State Board of Education shall promulgate rules
44 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
45 (C.52:14B-1 et seq.), establishing criteria for the award of a State
46 Seal of Biliteracy. The criteria shall require a student to
47 demonstrate proficiency in English by meeting State high school

1 graduation requirements in English, including through State
2 assessments and credits, and proficiency in one or more foreign
3 languages other than English. The criteria shall permit a student to
4 demonstrate proficiency in a foreign language other than English
5 through multiple methods, including nationally or internationally
6 recognized language proficiency tests.

7 For the purposes of this section, a foreign language other than
8 English shall also include American Sign Language, Latin, and
9 Native American languages.

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

17 c. A school district that participates in the program under this
18 section shall maintain appropriate records in order to identify
19 students who have earned the State Seal of Biliteracy, and shall
20 award the certificate and affix the appropriate insignia to a
21 qualifying student's transcript.

22 d. A school district that participates in the program may pay
23 the costs of the program or may charge a fee to students who
24 participate to cover the costs.

25 e. Nothing in this section shall be construed as requiring a
26 student participating in the State Seal of Biliteracy program to take
27 a State graduation proficiency assessment as a requirement for
28 graduation from secondary school.

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

30

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

33 3. Report cards issued pursuant to section 2 of P.L.1995, c.235
34 (C.18A:7E-2) shall include, but not be limited to, the following
35 information for:

36 a. the school district and for each school within the district, as
37 appropriate:

38 (1) results of the elementary assessment programs;

39 (2) results of the Early Warning Test;

40 (3) **【results of the High School Proficiency Test;】** (Deleted by
41 amendment, P.L. , c.) (pending before the Legislature as this
42 bill)

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

44 (5) student graduation and dropout rates;

45 (6) annual student scores on the Scholastic Aptitude Test;

46 (7) total student enrollment, percentage of limited English
47 proficient students, percentage of students in advanced placement

- 1 courses, and any other school characteristics which the
2 commissioner deems appropriate;
- 3 (8) instructional resources including teacher/student ratio,
4 average class size and amount of instructional time per day, as
5 calculated by formulas specified by the commissioner;
- 6 (9) a written narrative by the school principal or a designee
7 which describes any special achievements, events, problems or
8 initiatives of the school or district;
- 9 (10) data identifying the number and nature of all reports of
10 harassment, intimidation, or bullying;
- 11 (11) indicators of student career readiness;
- 12 (12) the number and percentage of students who were chronically
13 absent, as defined in rules and regulations promulgated by the
14 Commissioner of Education within 90 days of the effective date of
15 P.L.2018, c.23 (C.18A:38-25.1 et al.), including the number and
16 percentage of students who were chronically absent disaggregated
17 by multiple student subgroups to be determined by the
18 commissioner;
- 19 (13) the number, percentage, and demographics, including race,
20 gender, disability, grade level, and eligibility for free or reduced-
21 price lunch under the National School Lunch Program, of students
22 who received one or more suspensions or expulsions or who were
23 reported to or arrested by law enforcement, by category of offense,
24 pursuant to the provisions of the Uniform State Memorandum of
25 Agreement Between Education and Law Enforcement Officials; and
- 26 (14) the number of school psychologists, school counselors,
27 social workers, student assistance coordinators, and other mental
28 health professionals employed by, or under contract with, the school
29 district to provide mental health services to students, and the ratio
30 of students to the total number of mental health professionals
31 providing services in the school and the district; and
- 32 (15) the number of school safety specialists; and
- 33 b. the school district, as appropriate:
- 34 (1) per pupil expenditures and State aid ratio;
- 35 (2) percent of budget allocated for salaries and benefits of
36 administrative personnel;
- 37 (3) percent of budget allocated for salaries and benefits of
38 teachers;
- 39 (4) percentage increase over the previous year for salaries and
40 benefits of administrative and instructional personnel;
- 41 (5) the number of administrative personnel and the ratio of
42 administrative personnel to instructional personnel;
- 43 (6) a profile of the most recent graduating class concerning
44 their educational or employment plans following graduation; and
- 45 (7) any other information which the commissioner deems
46 appropriate.

1 For the purposes of this section, the Commissioner of Education
2 shall establish a uniform methodology for the reporting of the data
3 concerning administrative personnel on a full-time equivalent basis.
4 (cf: P.L.2021, c.387, s.1)

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

7 10. a. The renaissance school project shall be authorized for 10
8 years from the date of opening, subject to periodic reviews by the
9 commissioner. The renaissance school project shall be
10 automatically renewed for additional five-year periods provided
11 there is not a breach of the agreement that outlines the terms and
12 conditions of the renaissance school project.

13 Every ten years, the commissioner shall conduct a
14 comprehensive review of the renaissance school project prior to
15 granting a renewal. Renewal at these 10-year intervals shall be
16 presumed provided there is not a breach of the agreement that
17 outlines the terms and conditions of the renaissance school project
18 and the renaissance school project's average percent of students
19 proficient on the New Jersey **[Assessment of Skills and**
20 **Knowledge]** Student Learning Assessments, if the school includes
21 any grades from three to eight, **[or on the New Jersey High School**
22 **Proficiency Assessment, if the school includes grades 11 and 12,]**
23 exceed the average percent of students proficient for the renaissance
24 school district in which it is located in like grades by 15 percent or
25 more in language arts literacy, mathematics, or both after five years,
26 and 25 percent or more in language arts literacy, mathematics, or
27 both after ten years, or achieves the State-level proficiency
28 standards during that period.

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

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

42 d. Five years following the date of the opening of the third
43 renaissance school project, or ten years after the opening of the first
44 renaissance school project, whichever occurs first, a review of the
45 efficacy of the program shall be conducted by an independent
46 education researcher or research organization selected by the
47 commissioner. The independent review shall be funded by the
48 Department of Education. The review shall include interviews with

1 staff, parents, and resident district representatives, and a fiscal and
2 educational assessment. The commissioner shall report the results
3 of the review to the Governor, the State Board of Education, and to
4 the Legislature as provided pursuant to section 2 of P.L.1991, c.164
5 (C.52:14-19.1), and, in addition, the Governor shall report on the
6 efficacy of the renaissance school projects in educating students and
7 whether additional renaissance school districts should be authorized
8 and, if so, how many. The commissioner shall also recommend any
9 changes to this act deemed appropriate based on experience with the
10 renaissance school projects and the independent review.

11

12 8. The following are repealed:

13 Section 6 of P.L.1979, c.241 (C.18A:7C-6);

14 Section 5 of P.L.1988, c.168 (C.18A:7C-6.1);

15 Section 7 of P.L.1988, c.168 (C.18A:7C-10); and

16 Section 8 of P.L.1988, c.168 (C.18A:7C-11).

17

18 9. This act shall take effect immediately.

19

20

21

STATEMENT

22

23 This bill eliminates the high school graduation proficiency test,
24 which is required under current law to be taken in the 11th grade.

25 It is the belief of the sponsor that graduation exit testing does not
26 accurately represent student learning or career and college
27 readiness.

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

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

43 The bill also amends current law to remove various references to
44 the graduation proficiency test, including: the requirement that a
45 Statewide proficiency test be included in the State or district
46 standards for graduation from high school; the requirement that an
47 out-of-school youth or adult age 18 or older pass the graduation
48 proficiency test before being granted a State endorsed diploma; the

1 requirement that school district report cards include information
2 regarding the results of the graduation proficiency test; and the
3 requirement that renaissance school projects be evaluated based on
4 students' performance on the graduation proficiency test. The bill
5 clarifies that a student participating in the State Seal of Biliteracy
6 program would not be required to take a State graduation
7 proficiency test as a condition of graduation from high school.

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