

SENATE, No. 3308

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED NOVEMBER 3, 2022

Sponsored by:

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District 15 (Hunterdon and Mercer)

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District 18 (Middlesex)

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Senators Greenstein, Zwicker, Lagana, Gill and Sarlo

SYNOPSIS

Eliminates high school graduation proficiency test.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/13/2023)

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

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

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

20

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

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

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

38 Each board of education shall provide, in a format approved by
39 the **【Commissioner of Education】** commissioner, a performance
40 transcript for each student leaving secondary school.

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

42

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

45 3. a. The State Board of Education shall promulgate rules
46 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
47 (C.52:14B-1 et seq.), establishing criteria for the award of a State

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

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

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

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

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

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

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

32

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

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

38 a. the school district and for each school within the district, as
39 appropriate:

40 (1) results of the elementary assessment programs;

41 (2) results of the Early Warning Test;

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

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

46 (5) student graduation and dropout rates;

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

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

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

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

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

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

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

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

44 d. Five years following the date of the opening of the third
45 renaissance school project, or **ten** 10 years after the opening of
46 the first renaissance school project, whichever occurs first, a review
47 of the efficacy of the program shall be conducted by an independent

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

14 (cf: P.L.2011, c.176, s.10)

15

16 8. The following are repealed:

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

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

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

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

21

22 9. This act shall take effect immediately.

23

24

25 STATEMENT

26

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

29 It is the belief of the sponsor that graduation exit testing does not
30 accurately represent student learning or career and college
31 readiness.

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

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

47 The bill also amends current law to remove various references to
48 the graduation proficiency test, including: the requirement that a

1 Statewide proficiency test be included in the State or district
2 standards for graduation from high school; the requirement that an
3 out-of-school youth or adult age 18 or older pass the graduation
4 proficiency test before being granted a State endorsed diploma; the
5 requirement that school district report cards include information
6 regarding the results of the graduation proficiency test; and the
7 requirement that renaissance school projects be evaluated based on
8 students' performance on the graduation proficiency test. The bill
9 clarifies that a student participating in the State Seal of Biliteracy
10 program would not be required to take a State graduation
11 proficiency test as a condition of graduation from high school.

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