

# *Bill A4121*

*Session 2024 - 2025*



**ASSEMBLY, No. 4121  
STATE OF NEW JERSEY  
221st LEGISLATURE**

INTRODUCED APRIL 4, 2024



**Sponsored by:**

**Assemblywoman VERLINA REYNOLDS-JACKSON**  
**District 15 (Hunterdon and Mercer)**  
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**District 21 (Middlesex, Morris, Somerset and Union)**  
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**District 27 (Essex and Passaic)**

**Co-Sponsored by:**

**Assemblywomen Morales, Katz and Assemblyman Stanley**

**SYNOPSIS**

Eliminates high school graduation proficiency test.

**CURRENT VERSION OF TEXT**

As introduced.



**AN ACT** concerning the high school graduation proficiency test, supplementing P.L.1979, c.241 (C.18A:7C-1 et seq.), and amending 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] 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;

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.

(cf: P.L.1979, c.241, s.1)

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);] (Deleted by amendment, P.L. c. \_\_\_\_) (pending before the Legislature as this bill).

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] commissioner 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] commissioner 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:

4. 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~~ commissioner, 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 assessments 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] commissioner 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] 10 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] 10 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] 10 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.

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

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.

