



March 9, 2021

**Position Statement
Opposing
S-3470 (Turner, Diegnan)**

Allows certain students to repeat prior grade level during 2021-2022 school year upon parental request.

The New Jersey School Boards Association (NJSBA), a federation of all local school boards in the state, opposes S-3470. The NJSBA believes that local school boards should establish strong policies regarding promotion standards, with consideration given to discipline, attendance, homework, grades and other essentials of effective schooling. The NJSBA believes the authority for management of public schools should rest with local boards of education and State authority over school districts should not exceed the scope necessary to fulfill the constitutional mandate for a thorough and efficient system of free public education.

Although well-intentioned, this bill upends the Commissioner of Education's jurisprudence concerning the retention of students in their current grade. The Commissioner has long held that, absent evidence of an arbitrary or capricious decision, the decision by school personnel to retain or promote a student will be upheld. *J.C. v. Woodbine Board of Education*, OAL Dkt. No. EDU 6580-99 (Sept. 3, 1999). S-3470 would permit parent preference alone to drive student retention decisions.

Remedies to the learning challenges of the pandemic must be driven by sound educational decision-making that meets the needs of the student. Retention is only one of the many tools that educators have at their disposal to meet these challenges. Districts should be able to use all of their educationally-appropriate tools to ensure that their students are receiving all of the services necessary to provide a thorough and efficient education.

The NJSBA urges the Senate Education Committee to hold S-3470 for further amendments and discussion.