

ASSEMBLY, No. 3813

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblyman JOHN J. BURZICHELLI
District 3 (Cumberland, Gloucester and Salem)
Assemblywoman PAMELA R. LAMPITT
District 6 (Burlington and Camden)

Co-Sponsored by:

Assemblywomen Vainieri Huttie, McKnight, Assemblymen Danielsen, Holley, Moen, Assemblywoman Speight, Assemblyman Spearman, Assemblywomen Reynolds-Jackson, Lopez, Chaparro, Timberlake, Jasey, Assemblymen Zwicker, Mejia, Assemblywomen Jimenez, Downey, Assemblymen Houghtaling and Freiman

SYNOPSIS

Permits use of virtual or remote instruction to meet minimum 180-day school year requirement under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/16/2020)

1 AN ACT concerning flexible instruction days for public schools and
2 amending P.L.1996, c.138.

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

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7 1. Section 9 of P.L.1996, c.138 (C.18A:7F-9) is amended to
8 read as follows:

9 9. a. In order to receive any State aid pursuant to P.L.2007,
10 c.260 (C.18A:7F-43 et al.), a school district, county vocational
11 school district, or county special services school district shall
12 comply with the rules and standards for the equalization of
13 opportunity which have been or may hereafter be prescribed by law
14 or formulated by the commissioner pursuant to law, including those
15 implementing P.L.1996, c.138 (C.18A:7F-1 et al.) and P.L.2007,
16 c.260 (C.18A:7F-43 et al.) or related to the core curriculum content
17 standards required by P.L.2007, c.260 (C.18A:7F-43 et al.), and
18 shall further comply with any directive issued by the commissioner
19 pursuant to section 6 of P.L.1996, c.138 (C.18A:7F-6). The
20 commissioner is hereby authorized to withhold all or part of a
21 district's State aid for failure to comply with any rule, standard or
22 directive. No State aid shall be paid to any district which has not
23 provided public school facilities for at least 180 days during the
24 preceding school year, but the commissioner, for good cause shown,
25 may remit the penalty.

26 b. Notwithstanding the provisions of subsection a. of this
27 section to the contrary, in the event that a school district is required
28 to close the schools of the district for more than three school days
29 due to an epidemic, or a weather or other emergency condition, the
30 commissioner shall allow the district to apply to the 180-day
31 requirement established pursuant to subsection a. of this section,
32 one or more days of virtual or remote instruction provided to
33 students on the day or days the schools of the district were closed if
34 the program of virtual or remote instruction meets such criteria as
35 may be established by the commissioner. A district that wants to
36 use a program of virtual or remote instruction to meet the 180-day
37 requirement in accordance with this subsection shall submit its
38 proposed program of virtual or remote instruction to the
39 commissioner within 30 days of the effective date of P.L. ____,
40 c. (pending before the Legislature as this bill) and annually
41 thereafter, provided however that if the school district is unable to
42 complete and submit its proposed program within the 30-day period
43 and the district is required to close its schools for an epidemic, or a
44 weather or other emergency condition, the commissioner may
45 retroactively approve the program.

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 A day of virtual or remote instruction shall be considered the
2 equivalent of a full day of school attendance for the purposes of
3 meeting State and local graduation requirements, the awarding of
4 course credit, and such other matters as determined by the
5 commissioner.

6 c. In the event that the State or local health department
7 determines that it is advisable to close the schools of a school
8 district, the superintendent of schools shall have the authority to
9 implement the school district's program of virtual or remote
10 instruction.

11 d. The commissioner shall define virtual and remote instruction
12 and establish guidance for its use. The guidance shall provide
13 school districts with information on:

14 (1) providing instruction to students who may not have access to
15 a computer or to sufficient broadband;

16 (2) the required length of a virtual or remote instruction day;

17 (3) the impact of virtual or remote instruction on the school
18 lunch and school breakfast programs;

19 (4) the impact of virtual or remote instruction on the schedule
20 for administering State assessments; and

21 (5) such other topics as the commissioner deems necessary.

22 e. Nothing in this section shall be construed to supersede or
23 preempt the rights, remedies, and procedures afforded to teaching
24 staff members or a collective bargaining unit under federal or State
25 law or any provision of a collective bargaining agreement entered
26 into by the school district.

27 (cf: P.L.2007, c.260, s.32)

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29 2. This act shall take effect immediately.

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STATEMENT

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34 Under current law, a school district, county vocational school
35 district, or county special services school district must be open for
36 180 days each school year in order to qualify for State aid. In the
37 event that a school district does not meet this requirement, the
38 Commissioner of Education will withhold State aid in the
39 succeeding year. While the law does allow the commissioner to
40 remit the penalty for good cause shown, the exemption has been
41 rarely applied.

42 This bill would allow a school district, county vocational school
43 district, or county special services school district to meet the 180-
44 day requirement in a year with an excessive number of unexpected
45 school closures due to an epidemic, or a weather or other
46 emergency through the use of virtual or remote instruction.
47 Specifically, in the event that a district is required to close its
48 schools for more than three school days due to an epidemic, or a

1 weather or other emergency condition, the commissioner will allow
2 the district to apply to the 180-day requirement one or more days of
3 virtual or remote instruction provided to students on the day or days
4 the schools of the district were closed if the program meets such
5 criteria as may be established by the commissioner. A district that
6 wants to use a program of virtual or remote instruction to meet the
7 180-day requirement must submit its proposed program of virtual
8 instruction to the commissioner within 30 days of the effective date
9 of the bill and annually thereafter. The bill provides, however, that
10 if a district is unable to meet the initial 30-day period and the
11 district must close its schools for an epidemic, or a weather or other
12 emergency condition, the commissioner is permitted to retroactively
13 approve the district's program. If the State or local health
14 department determines that it is advisable that the schools of a
15 district be closed, the superintendent of schools will have the
16 authority to implement the district's program of virtual or remote
17 learning. The bill provides that a day of virtual or remote
18 instruction will be considered the equivalent of a full day of school
19 attendance for the purposes of meeting State and local graduation
20 requirements, the awarding of course credit, and for such other
21 matters as the commissioner determines.

22 The bill directs the commissioner to define virtual and remote
23 instruction and provide guidance for its use. The guidance will also
24 provide districts information on: providing instruction to students
25 who may not have access to a computer or to sufficient broadband;
26 the required length of a virtual or remote instruction day; the impact
27 of virtual or remote instruction on the school lunch and school
28 breakfast programs; the impact of virtual or remote instruction on
29 the schedule for administering State assessments; and such other
30 topics as the commissioner deems necessary.

31 Nothing in the bill may be construed to supersede or preempt the
32 rights, remedies, and procedures afforded to teaching staff members
33 or a collective bargaining unit under federal or State law or any
34 provision of a collective bargaining agreement entered into by the
35 school district.