

SENATE, No. 2724

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JULY 28, 2020

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Permits use of combination of in-person and virtual or remote instruction in 2020-2021 school year to meet minimum 180-day school year requirement.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/20/2020)

1 AN ACT concerning the use of virtual or remote instruction in
2 public schools in the 2020-2021 school year.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. Notwithstanding any law, rule, or regulation to the
8 contrary, for the 2020-2021 school year, the Commissioner of
9 Education shall permit a school district to apply to the 180-day
10 requirement established pursuant to subsection a. of section 9 of
11 P.L.1996, c.138 (C.18A:7F-9), a combination of in-person and
12 virtual or remote instruction, if the program of in-person and virtual
13 or remote instruction meets such criteria as may be established by
14 the commissioner. A district that seeks to use a program of in-
15 person and virtual or remote instruction to meet the 180-day
16 requirement in accordance with this act shall, with board of
17 education approval, submit its proposed program to the
18 commissioner within 30 days of the effective date of this act,
19 provided however that if the school district is unable to complete
20 and submit its proposed program within the 30-day period and prior
21 to the scheduled start of the school year, the commissioner may
22 retroactively approve the program.

23 A day of virtual or remote instruction, if instituted under a
24 program approved by the commissioner, shall be considered the
25 equivalent of a full day of school attendance for the purposes of
26 meeting State and local graduation requirements, the awarding of
27 course credit, and such other matters as determined by the
28 commissioner.

29 If a day or days of virtual or remote instruction are provided to
30 the general education students, virtual or remote instruction may be
31 provided to students with disabilities. Special education and related
32 services, including speech language services, counseling services,
33 physical therapy, occupational therapy, and behavioral services,
34 may be delivered to students with disabilities through the use of
35 electronic communication or a virtual or online platform and as
36 required by the student's Individualized Education Program, to the
37 greatest extent practicable.

38 b. The commissioner shall define virtual and remote instruction
39 for purposes of this section and establish guidance for its use. The
40 guidance shall provide school districts with information on:

41 (1) providing instruction to students who may not have access to
42 a computer or to sufficient broadband, or to any technology
43 required for virtual or remote instruction;

44 (2) the required length of a virtual or remote instruction day and
45 any limit on the total number of virtual or remote instruction days in
46 the school year;

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

1 (4) such other topics as the commissioner deems necessary.

2 c. Nothing in this section shall be construed to prohibit a
3 school district from using only virtual or remote instruction to meet
4 the 180-day requirement in the event that a school district is
5 required to close the schools of the district for more than three
6 consecutive school days due to a declared state of emergency,
7 declared public health emergency, or a directive by the appropriate
8 health agency or officer to institute a public health-related closure
9 in accordance with the provisions of section 9 of P.L.1996, c.138
10 (C.18A:7F-9).

11
12 2. This act shall take effect immediately.

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15 **STATEMENT**

16
17 This bill would require the Commissioner of Education, for the
18 2020-2021 school year, to permit school districts to use a
19 combination of in-person and virtual or remote instruction to meet
20 the requirement that a school district be open for at least 180 days
21 in order to receive State school aid. The program of in-person and
22 virtual or remote instruction must meet any criteria established by
23 the commissioner. With the board of education's approval, a
24 district that wants to use a program of in-person and virtual or
25 remote instruction must submit its proposed program to the
26 commissioner within 30 days of the bill's effective date. However,
27 if the school district is unable to complete and submit its proposed
28 program within that period and prior to the scheduled start of the
29 school year, the commissioner may retroactively approve the
30 program.

31 The bill provides that if virtual or remote instruction are
32 provided to general education students in the district, virtual or
33 remote instruction may also be provided to students with
34 disabilities. Special education and related services may be
35 delivered through the use of electronic communication or a virtual
36 or online platform and as required by the student's Individualized
37 Education Program, to the greatest extent practicable.

38 The bill requires the commissioner to define virtual and remote
39 instruction and establish guidance for its use. The guidance will
40 include information on:

41 (1) providing instruction to students who may not have access to
42 a computer or to sufficient broadband, or to any technology
43 required for virtual or remote instruction;

44 (2) the required length of a virtual or remote instruction day and
45 any limit on the total number of virtual or remote instruction days in
46 the school year;

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

1 (4) such other topics as the commissioner deems necessary.

2 In response to the COVID-19 pandemic, legislation was enacted
3 in April 2020, P.L.2020, c.27, to allow a school district that is
4 required to close its schools for more than three consecutive school
5 days due to a declared state of emergency, declared public health
6 emergency, or a directive by the appropriate health agency or
7 officer to institute a public health-related closure, to apply one or
8 more days of virtual or remote instruction to the 180-day
9 requirement. As school districts reopen for in-person instruction in
10 the 2020-2021 school year, this bill will allow districts to continue
11 to use virtual or remote learning to meet the 180-day requirement,
12 in combination with the in-person instruction.

13 Nothing in the bill, however, would prohibit a school district
14 from using only virtual or remote learning as provided for under the
15 provisions of P.L.2020, c.27.