

[First Reprint]

SENATE, No. 2899

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED SEPTEMBER 14, 2020

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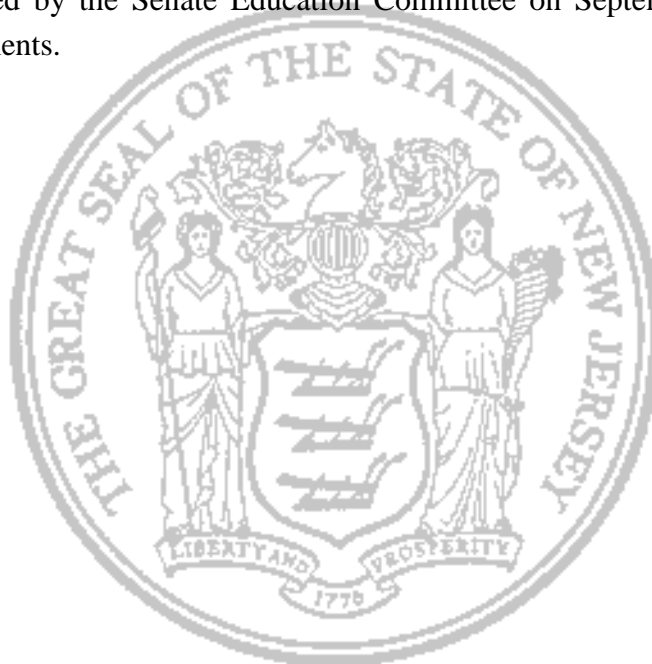
Senators Addiego, Turner and Pou

SYNOPSIS

Establishes Safe Remote Learning Program in DOE to support provision of remote instruction facilities by public schools.

CURRENT VERSION OF TEXT

As reported by the Senate Education Committee on September 14, 2020, with amendments.



(Sponsorship Updated As Of: 9/24/2020)

1 AN ACT establishing a Safe Remote Learning Program in the
2 Department of Education to support the provision of remote
3 instruction facilities by public schools.

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

7
8 1. a. There is established in the Department of Education the Safe
9 Remote Learning Program to support the provision of remote
10 instruction facilities by school districts, charter schools, and
11 renaissance schools that implement a partial or full-time program of
12 virtual or remote instruction as a result of the COVID-19 pandemic.

13 b. The department shall establish guidelines concerning the
14 establishment and maintenance of remote instruction facilities. In
15 addition to any other requirements set forth by the department, the
16 guidelines shall require each remote instruction facility to be:

17 (1) used for the delivery of remote instruction to students in
18 accordance with health and safety standards set forth by the
19 Department of Education, in consultation with the Department of
20 Health;

21 (2) equipped with such online instruction equipment, including
22 connected devices and mobile broadband Internet access service, as is
23 necessary for every student who attends the facility to participate in
24 remote instruction activities; ¹**[and]**¹

25 (3) staffed by appropriately qualified persons during all hours of
26 operation ¹; and

27 (4) in compliance with the rules and regulations established for
28 licensed child care centers¹.

29 c. When a school district, charter school, or renaissance school
30 implements a partial or full-time program of virtual or remote
31 instruction as a result of the COVID-19 pandemic, the school may
32 establish one or more remote instruction facilities, without prior
33 approval from the department, provided that the facility complies with
34 the guidelines established by the department pursuant to subsection b.
35 of this section. The facilities may be established by repurposing space
36 within an existing school facility or acquiring space within a facility
37 owned by a non-profit organization or an institution of higher
38 education.

39 d. (1) Within the limits of available space, a school district,
40 charter school, or renaissance school that establishes a remote
41 instruction facility shall, upon written request from the parent,
42 guardian, or other person having legal custody of a student, permit the
43 student to participate in remote instruction activities at the facility.

44 (2) If a student is enrolled in a school district, charter school, or
45 renaissance school that has not established a remote instruction

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SED committee amendments adopted September 14, 2020.

1 facility, or if a student is unable to attend a remote instruction facility
2 due to insufficient space, the student shall be eligible to participate in
3 remote instruction activities at any nearby remote instruction facility.

4 (3) If the school district, charter school, or renaissance school
5 lacks sufficient space to allow all students to participate in remote
6 instruction activities at a remote instruction facility, the school shall
7 give preference to:

8 (a) students who are eligible for free or reduced price meals under
9 the National School Lunch Program or the federal School Breakfast
10 Program; and

11 (b) students whose parent, guardian, or other person having legal
12 custody is considered an essential worker by the department, which
13 workers shall include, but not be limited to, teachers, school
14 administrators, and other school personnel.

15 e. The department, in consultation with the Department of
16 Children and Families, shall establish eligibility criteria for persons
17 who may staff remote instruction facilities, except that a student who
18 is enrolled in an educator preparation program at a public institution of
19 higher education in the State shall be eligible to staff a remote
20 instruction facility and shall receive credit for such service toward the
21 educator preparation program.

22 f. As used in this section:

23 “Connected device” means a laptop computer, tablet computer, or
24 similar device that is capable of connecting to broadband Internet
25 access service, either by receiving such service directly or through the
26 use of Wi-Fi.

27 “Mobile broadband Internet access service” means a mass-market
28 retail service by wire or radio that provides the capability to transmit
29 data to and receive data from all or substantially all Internet endpoints,
30 including any capabilities that are incidental to and enable the
31 operation of the communications service, but excluding dial-up
32 Internet access service.

33 “Online instruction equipment” means the equipment necessary for
34 a student to participate in remote instruction activities, and includes a
35 connected device and mobile broadband Internet access service.

36
37 2. a. If a school district, charter school, or renaissance school
38 establishes one or more remote instruction facilities, the
39 Department of Education shall, from the monies made available
40 pursuant to subsection b. of this section, reimburse the school
41 district, charter school, or renaissance school for the full costs of
42 establishing and maintaining each facility.

43 b. (1) To the extent permitted by federal law, the department
44 shall provide such funding as is necessary, from the monies
45 allocated to the State under the federal “Coronavirus Aid, Relief,
46 and Economic Security (CARES) Act,” Pub.L. 116-136, or any
47 other financial assistance provided by the federal government to

1 address the impact of the COVID-19 pandemic, to support the
2 reimbursements required under subsection a. of this section.

3 (2) If insufficient federal funding is made available pursuant to
4 paragraph (1) of this subsection, the State shall appropriate such
5 additional amounts as are necessary to support the reimbursements
6 required under subsection a. of this section, subject to the approval
7 of the Director of the Division of Budget and Accounting in the
8 Department of the Treasury.

9
10 3. Notwithstanding any provision of P.L.1968, c.410
11 (C.52:14B-1 et seq.), or any other law to the contrary, the
12 Commissioner of Education may adopt, immediately upon filing
13 with the Office of Administrative Law and no later than the 90th
14 day after the effective date of this act, such rules and regulations as
15 the commissioner deems necessary to implement the provisions of
16 this act, which regulations shall be effective for a period not to
17 exceed 12 months. The regulations shall thereafter be amended,
18 adopted, or readopted by the commissioner in accordance with the
19 provisions of P.L.1968, c.410 (C.52:14B-1 et seq.).

20

21 4. This act shall take effect immediately.