SYNOPSIS

Establishes Safe and Equitable Remote Learning Pilot Program in DOE to support provision of remote learning safe havens by certain school districts.

CURRENT VERSION OF TEXT

As reported by the Senate Education Committee on December 16, 2021, with amendments.
AN ACT establishing the Safe and Equitable Remote Learning 
1Pilot⁴ Program and supplementing Title 18A of the New Jersey 
Statutes.

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

1. As used in this act:
1"Eligible district" includes the Camden City School District, 
the Passaic City School District, the Paterson City School District, 
and the Trenton City School District.

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

1“Eligible district” includes the Camden City School District, the 
Newark City School District, the Passaic City School District, the 
Paterson City School District, and the Trenton City School District.

“Program of hybrid instruction” means a program of instruction 
that is provided through a mix of in-person and virtual or remote 
instruction and is implemented in accordance with criteria to be 
established by the Commissioner of Education and is approved by 
the commissioner.¹

2. There is established in the Department of Education a Safe 
and Equitable Remote Learning 1Pilot" Program to assist eligible 
school districts in the provision of ”mobile broadband Internet 
access service and] remote learning safe havens, as provided in 
sections 3 and 4 of this act.

1³. a. When an eligible district implements a program of 
virtual or remote instruction, as provided under section 9 of 
P.L.1996, c.138 (C.18A:7F-9), the eligible district shall be 
responsible for the provision of mobile broadband Internet access 
service to the residence of every enrolled student who is eligible for 
free or reduced-price meals under the State school lunch program 
and who lacks access to mobile broadband Internet access service. 
During the period of virtual or remote instruction, the eligible 
district shall provide direct payments to the Internet service 
provider that delivers mobile broadband Internet access service to 
the residence of each eligible student.

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:
³Senate SED committee amendments adopted December 16, 2021.
b. (1) Within the limits of available funds, the Department of Education shall provide each eligible district with such funding as is necessary to support the payments required under subsection a. of this section.

(2) To the extent permitted by federal law, an eligible district shall reimburse the department for the monies received pursuant to paragraph (1) of this subsection using any federal financial assistance received by the district to address the impact of the declared public health emergency, state of emergency, or other incident that caused the program of virtual or remote instruction to be implemented, which federal financial assistance shall include, but not be limited to, monies received under the federal “Coronavirus Aid, Relief, and Economic Security (CARES) Act,” Pub.L. 116-136.

a. Notwithstanding the provisions of any other law or regulation concerning the approval of temporary educational facilities to the contrary, when an eligible district implements a program of virtual or remote instruction, as provided under section 9 of P.L.1996, c.138 (C.18A:7F-9), the eligible district may, with the approval of the executive county superintendent of schools, establish one or more remote learning safe havens. Each remote learning safe haven shall be used for the delivery of virtual or remote instruction to enrolled students in accordance with applicable social distancing and other health and safety guidelines. This act shall not be construed as to permit an eligible district to provide in-person instruction at a remote learning safe haven established pursuant to this act, unless otherwise authorized pursuant to State law.

b. When an eligible district establishes a remote learning safe haven, the eligible district shall be responsible for the provision of broadband Internet service to the facility. The service shall be sufficient for every enrolled student who is eligible for free or reduced-price meals under the State school lunch program to participate in virtual or remote instructional sessions at the facility.

c. In addition to any other requirements established by the Commissioner of Education, a remote learning safe haven shall be:

(1) located within a building owned by the federal government, the State, a political subdivision of the State, or a nonprofit organization;

(2) staffed by appropriately licensed school personnel who have undergone a criminal history record check pursuant to the provisions of P.L.1986, c.116 (C.18A:6-7.1 et seq.) and are
approved by the board of education, during all hours of operation 
and
(3) in compliance with the applicable standards for temporary 
educational facilities required pursuant to the State Board of 
Education regulations.

d. If an eligible district establishes a remote learning safe 
haven, the Department of Education shall, within the limits of 
available funds, provide the eligible district with such funding as is 
necessary to defray the costs of establishing and staffing the 
facility, as well as providing the facility with mobile broadband 
Internet service. To the maximum extent possible, an 
eligible district shall provide the remote learning safe haven such 
staff, resources, equipment, and materials as may be necessary to 
establish and operate the remote learning safe haven and to limit the 
use of staff, resources, equipment, and materials of the remote 
learning safe haven.

4. Following the expiration of the public health emergency 
declared by the Governor in Executive Order 103 of 2020 or the 
recession of the declaration of the public health emergency 
declared by the Governor in Executive Order 103 of 2020, an 
eligible district that establishes one or more remote learning safe 
havens pursuant to section 3 of this act may continue to use, or 
enter into written agreements or partnerships to continue to use, the 
remote learning safe havens for before school and after school 
activities.

5. a. In any school year in which an eligible district establishes 
a remote learning safe haven pursuant to the provisions of this act, 
the Department of Education shall collect information on the 
program including, but not limited to:
(1) the number of students who engaged in virtual or remote 
instruction in a remote learning safe haven during the school year;
(2) the costs of establishing a remote learning safe haven in each 
eligible district and the amounts provided by the department to 
eligible districts pursuant to subsection d. of section 3 of this act;
(3) the number of school personnel who staffed the remote 
learning safe havens in each eligible district, including any 
additional costs incurred by eligible districts to provide such staff; 
and
(4) a description of each remote learning safe haven established 
pursuant to the provisions of this act.

b. Within 30 days of the end of any school year in which an 
eligible district establishes a remote learning safe haven pursuant to 
the provisions of this act, the department shall submit a report to the
Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1). The report shall contain the information collected by the department pursuant to subsection a. of this section and the department’s recommendation on the advisability of continuing the Safe and Equitable Remote Learning Pilot Program and expanding the program for implementation in additional school districts.¹

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

¹[6.7.¹] This act shall take effect immediately.