ASSEMBLY, No. 585

STATE OF NEW JERSEY
220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:
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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
Introduced Pending Technical Review by Legislative Counsel.
AN ACT establishing the Safe and Equitable Remote Learning Pilot 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:
“Broadband Internet service” means a mass-market retail service 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.

“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.

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

3. 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), or a program of hybrid instruction, 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.
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 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 rescission 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.

6. 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.).

7. This act shall take effect immediately.

STATEMENT

This bill establishes the Safe and Equitable Remote Learning Pilot Program in the Department of Education to support the remote learning safe havens by certain eligible districts, including 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.

The bill provides that when an eligible district implements a program of virtual or remote instruction or a program of hybrid instruction approved by the Commissioner of Education, the 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 would be used for the delivery of remote instruction to enrolled students in accordance with applicable social distancing and other health and safety guidelines. Under the bill, the district would be required to provide broadband Internet service to the facility. The bill requires this service to be sufficient for every enrolled student who is eligible for free or reduced-price meals under the State school lunch program to participate in remote instructional sessions at the facility.
In addition to any other requirements established by the Commissioner of Education, each remote learning safe haven would be required to 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 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. The regulatory standards for temporary educational facilities are currently established at N.J.A.C.6A:26-8.1.

If an eligible district establishes a remote learning safe haven, the department would be required to provide the district with such funding as is necessary to defray the costs of establishing and staffing the facility, as well as providing the facility with broadband Internet service. To the maximum extent possible, an eligible district would 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.

The bill provides that, following the expiration of the public health emergency declared pursuant to Executive Order 103 of 2020 or the rescission of the declaration of the public health emergency declared in that executive order, an eligible district that establishes one or more remote learning safe havens 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.

Lastly, the bill requires that the Department of Education to collection certain information from eligible districts that establish a remote learning safe haven. Within 30 days of the end of any school year in which an eligible district establishes a remote learning safe haven, the department would submit a report to the Governor, and to the Legislature, containing the information collected from the eligible districts and the department’s recommendation on the advisability of continuing and expanding the Safe and Equitable Remote Learning Pilot Program.