

ASSEMBLY, No. 4459

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED SEPTEMBER 15, 2022

Sponsored by:

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Assemblywoman ANNETTE CHAPARRO

District 33 (Hudson)

Assemblywoman LINDA S. CARTER

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/15/2022)

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
9 Safe 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
23 is necessary for every student who attends the facility to participate
24 in remote instruction activities; and

25 (3) staffed by appropriately qualified persons during all hours of
26 operation.

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

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

43 (2) If a student is enrolled in a school district, charter school, or
44 renaissance school that has not established a remote instruction
45 facility, or if a student is unable to attend a remote instruction
46 facility due to insufficient space, the student shall be eligible to
47 participate in remote instruction activities at any nearby remote
48 instruction facility.

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

5 (a) students who are eligible for free or reduced price meals
6 under the National School Lunch Program or the federal School
7 Breakfast Program; and

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

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

19 f. As used in this section:

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

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

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

34

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

41 b. (1) To the extent permitted by federal law, the department
42 shall provide such funding as is necessary, from the monies
43 allocated to the State under the federal “Coronavirus Aid, Relief,
44 and Economic Security (CARES) Act,” Pub.L. 116-136, or any
45 other financial assistance provided by the federal government to
46 address the impact of the COVID-19 pandemic, to support the
47 reimbursements required under subsection a. of this section.

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

7
8 3. Notwithstanding any provision of P.L.1968, c.410
9 (C.52:14B-1 et seq.), or any other law to the contrary, the
10 Commissioner of Education may adopt, immediately upon filing
11 with the Office of Administrative Law and no later than the 90th
12 day after the effective date of this act, such rules and regulations as
13 the commissioner deems necessary to implement the provisions of
14 this act, which regulations shall be effective for a period not to
15 exceed 12 months. The regulations shall thereafter be amended,
16 adopted, or readopted by the commissioner in accordance with the
17 provisions of P.L.1968, c.410 (C.52:14B-1 et seq.).

18
19 4. This act shall take effect immediately.

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22 STATEMENT

23
24 This bill establishes the Safe Remote Learning Program in the
25 Department of Education to support the provision of remote
26 instruction facilities by school districts, charter schools, and
27 renaissance schools that implement a partial or full-time program of
28 virtual or remote instruction as a result of the COVID-19 pandemic.

29 Under the program, the department would be required to
30 establish guidelines concerning the establishment and maintenance
31 of remote instruction facilities. At a minimum, these guidelines
32 would require each facility to be: (1) used for the delivery of remote
33 instruction to students in accordance with health and safety
34 standards set forth by the department, in consultation with the
35 Department of Health; (2) equipped with such online instruction
36 equipment as is necessary for every student who attends the facility
37 to participate in remote instruction activities; and (3) staffed by
38 appropriately qualified persons during all hours of operation.

39 When a school district, charter school, or renaissance school
40 implements a partial or full-time program of virtual or remote
41 instruction as a result of the COVID-19 pandemic, the school may
42 establish one or more remote instruction facilities, without prior
43 approval from the department, provided that the facility complies
44 with the department's guidelines. Under the bill, these facilities
45 could be established by repurposing space within an existing school
46 facility or acquiring space within a facility owned by a non-profit
47 organization or an institution of higher education.

1 Within the limits of available space, a school district, charter
2 school, or renaissance school that establishes a remote instruction
3 facility would be required, upon written request from the parent,
4 guardian, or other person having legal custody of a student, to
5 permit the student to participate in remote instruction activities at
6 the facility. The bill also provides that if a student is enrolled in a
7 school district, charter school, or renaissance school that has not
8 established a remote instruction facility, or if a student is unable to
9 attend a remote instruction facility due to insufficient space, then
10 the student may attend any nearby remote instruction facility.

11 However, if the school district, charter school, or renaissance
12 school lacks sufficient space to allow all students to attend a remote
13 instruction facility, the school would be required to give preference
14 to: (1) students who are eligible for free or reduced price meals
15 under the National School Lunch Program or the federal School
16 Breakfast Program; and (2) students whose parent, guardian, or
17 other person having legal custody is considered an essential worker
18 by the department.

19 The department, in consultation with the Department of Children
20 and Families, would also be required to establish eligibility criteria
21 for persons who may staff remote instruction facilities. However,
22 the bill provides that a student who is enrolled in an educator
23 preparation program at a public institution of higher education in
24 the State would be eligible to staff a remote instruction facility and
25 receive credit for such service toward the educator preparation
26 program.

27 The bill also requires the State to reimburse school districts,
28 charter schools, and renaissance schools for the full costs incurred
29 in establishing and maintaining remote instruction facilities. To the
30 extent permitted by federal law, the department would be required
31 to reimburse these costs from the monies allocated to the State
32 under the federal “Coronavirus Aid, Relief, and Economic Security
33 (CARES) Act” or any other financial assistance provided by the
34 federal government to address the impact of the COVID-19
35 pandemic. However, if insufficient federal funding is available to
36 defray these costs, the State would be required to appropriate such
37 additional amounts as are necessary to reimburse each school,
38 subject to the approval of the Director of the Division of Budget
39 and Accounting in the Department of the Treasury.