

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 464

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 3, 2022

The Senate Education Committee favorably reports Senate Bill No. 464 with committee amendments.

As amended, this bill permits a public school to meet the 180-day school year requirement through the use of virtual or remote instruction when the school is required to close for one or more school days due to inclement weather or hazardous transportation conditions or any other circumstance that requires the closure of the schools, in addition to other certain emergencies specified by law. The bill also provides that, in the event that an approved private school for students with disabilities (APSSD) is required to close the school for one or more school days due to inclement weather or hazardous transportation conditions or any other circumstance that causes the closure of the APSSD, the Commissioner of Education will allow the school to apply one or more days of virtual or remote instruction provided on the day or days the school was closed to qualify as a day of instruction for the purposes of calculating tuition.

Pursuant to current law, a public school or APSSD may meet the applicable requirements through the use of virtual or remote instruction only if the school or APSSD is required to close for more than three consecutive school days due to a declared state of emergency, a declared public health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure. Current law does not permit a public school or APSSD to utilize virtual or remote instruction in the event that the school or APSSD is closed due to inclement weather or hazardous transportation conditions or any other circumstance that requires the closure of the schools. Additionally, current law does not permit a public school or APSSD to utilize virtual or remote instruction in the event that the closure is for a single school day or for two consecutive school days.

Under the provisions of this bill, a public school or APSSD is permitted to meet the applicable requirements through the use of virtual or remote instruction when the school is required to close for one or more school days due to inclement weather or hazardous transportation conditions, a declared state of emergency, a declared public health emergency, a directive by the appropriate health

agency or officer to institute a public health-related closure, or any other circumstance that requires the closure of the schools .

The bill also requires a public school or APSSD to provide written notification to its board of education or governing body and to the executive county superintendent stating that the school is implementing its program of virtual or remote instruction, and specifying the day or days, if consecutive, that the school is providing its program of virtual or remote instruction. The bill requires the school, in its written notification, to attest that all students of the school have access to a computer or to sufficient broadband, or to any other technology required for the virtual or remote instruction on the day or days specified in the written notification. If the written notification does not include the attestation, the executive county superintendent will notify the commissioner. The bill provides that the commissioner will not allow a public school to apply to the 180-day requirement any day of virtual or remote instruction provided to students when the school is closed if the commissioner determines that the school did not ensure that all students have access to a computer or to sufficient broadband, or to any other technology required for the virtual or remote instruction on the day or days specified in the written notification. Similarly, the commissioner will not allow an APSSD to apply any day of virtual or remote instruction provided to students when the school is closed to qualify as a day of instruction for the purposes of calculating tuition if the commissioner determines that the school did not ensure that all students had access to a computer or to sufficient broadband, or to any other technology required for the virtual or remote instruction on the day or days specified in the advisory statement.

This bill was pre-filed for introduction in the 2022-2023 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amended the bill to permit a school district to apply to the 180-day requirement one or more days of virtual or remote instruction that were provided to students on the day or days the schools of the district were closed due to any circumstance that requires the closure of the schools. Similarly, an APSSD is permitted to apply one or more days of virtual or remote instruction provided to students on the day or days the school was closed due to any circumstance that requires such closure, to qualify as a day of instruction for the purposes of calculating tuition.

The committee also amended the bill to require a public school or APSSD to provide written notification to its board of education or governing body and to the executive county superintendent stating that the school is implementing its program of virtual or remote instruction, and specifying the day or days, if consecutive, that the school is

providing its program of virtual or remote instruction. The committee amendments require the school, in its written notification, to attest that all students of the school have access to a computer or to sufficient broadband, or to any other technology required for the virtual or remote instruction on the day or days specified in the written notification. If the written notification does not include the attestation, the executive county superintendent will notify the commissioner. The amendments provide that the commissioner will not allow a public school to apply to the 180-day requirement any day of virtual or remote instruction provided to students when the school is closed if the commissioner determines that the school did not ensure that all students have access to a computer or to sufficient broadband, or to any other technology required for the virtual or remote instruction on the day or days specified in the written notification. Similarly, the commissioner will not allow an APSSD to apply any day of virtual or remote instruction provided to students when the school is closed to qualify as a day of instruction for the purposes of calculating tuition if the commissioner determines that the school did not ensure that all students had access to a computer or to sufficient broadband, or to any other technology required for the virtual or remote instruction on the day or days specified in the advisory statement.