ASSEMBLY, No. 4419

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JULY 20, 2020

Sponsored by:
Assemblywoman PAMELA R. LAMPITT
District 6 (Burlington and Camden)
Assemblyman RALPH R. CAPUTO
District 28 (Essex)
Assemblyman ANTHONY S. VERRELLI
District 15 (Hunterdon and Mercer)

Co-Sponsored by:
Assemblyman Benson, Assemblywomen Speight, Reynolds-Jackson and McKnight

SYNOPSIS

Permits use of combination of in-person and virtual or remote instruction in 2020-2021 school year to meet minimum 180-day school year requirement.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 12/2/2021)

AN ACT concerning the use of virtual or remote instruction in public schools in the 2020-2021 school year.

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

1. a. Notwithstanding any law, rule, or regulation to the contrary, for the 2020-2021 school year, the Commissioner of Education shall allow a school district to apply to the 180-day requirement established pursuant to subsection a. of section 9 of P.L.1996, c.138 (C.18A:7F-9), a combination of in-person and virtual or remote instruction, if the program of in-person and virtual or remote instruction meets such criteria as may be established by the commissioner. A district that wants to use a program of in-person and virtual or remote instruction to meet the 180-day requirement in accordance with this act shall, with board of education approval, submit its proposed program to the commissioner within 30 days of the effective date of P.L. , c. (pending before the Legislature as this bill), provided however that if the school district is unable to complete and submit its proposed program within the 30-day period and prior to the scheduled start of the school year, the commissioner may retroactively approve the program.

A day of virtual or remote instruction, if instituted under a program approved by the commissioner, shall be considered the equivalent of a full day of school attendance for the purposes of meeting State and local graduation requirements, the awarding of course credit, and such other matters as determined by the commissioner.

If a day or days of virtual or remote instruction are provided to the general education students, virtual or remote instruction may be provided to students with disabilities. Special education and related services, including speech language services, counseling services, physical therapy, occupational therapy, and behavioral services, may be delivered to students with disabilities through the use of electronic communication or a virtual or online platform and as required by the student's Individualized Education Program (IEP), to the greatest extent practicable.

b. The commissioner shall define virtual and remote instruction for purposes of this section and establish guidance for its use. The guidance shall provide school districts with information on:

(1) providing instruction to students who may not have access to a computer or to sufficient broadband, or to any technology required for virtual or remote instruction;

(2) the required length of a virtual or remote instruction day and any limit on the total number of virtual or remote instruction days in the school year;

(3) the impact of virtual or remote instruction on the school lunch and school breakfast programs; and

(4) such other topics as the commissioner deems necessary.

c. Nothing in this section shall be construed to prohibit a school district from using only virtual or remote instruction to meet the 180-day requirement in the event that a school district is required to close the schools of the district for more than three consecutive school days due to a declared state of emergency, declared public health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure in accordance with the provisions of section 9 of P.L.1996, c.138 (C.18A:7F-9).

2. This act shall take effect immediately.

STATEMENT

This bill would require the Commissioner of Education, for the 2020-2021 school year, to allow school districts to use a combination of in-person and virtual or remote instruction to meet the requirement that a school district be open for at least 180 days in order to receive State school aid. The program of in-person and virtual or remote instruction must meet any criteria established by the commissioner. With the board of education's approval, a district that wants to use a program of in-person and virtual or remote instruction must submit its proposed program to the commissioner within 30 days of the bill's effective date. However, if the school district is unable to complete and submit its proposed program within that period and prior to the scheduled start of the school year, the commissioner may retroactively approve the program.

The bill provides that if virtual or remote instruction are provided to general education students in the district, virtual or remote instruction may also be provided to students with disabilities. Special education and related services may be delivered through the use of electronic communication or a virtual or online platform and as required by the student's Individualized Education Program (IEP), to the greatest extent practicable.

The bill requires the commissioner to define virtual and remote instruction for purposes of this section and establish guidance for its use. The guidance will include information on:

(1) providing instruction to students who may not have access to a computer or to sufficient broadband, or to any technology required for virtual or remote instruction;

(2) the required length of a virtual or remote instruction day and any limit on the total number of virtual or remote instruction days in the school year;

(3) the impact of virtual or remote instruction on the school lunch and school breakfast programs; and

(4) such other topics as the commissioner deems necessary.

In response to the COVID-19 pandemic, legislation was enacted in April 2020, P.L.2020, c.27, to allow a school district that is required to close its schools for more than three consecutive school days due to a declared state of emergency, declared public health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure, to apply one or more days of virtual or remote instruction to the 180-day requirement. As school districts reopen for in-person instruction in the 2020-2021 school year, this bill will allow districts to continue to use virtual or remote learning to meet the 180-day requirement, provided that the virtual or remote instruction is used in combination with in-person instruction.

Nothing in the bill, however, would prohibit a school district from using only virtual or remote learning as provided for under the provisions of P.L.2020, c.27.