

ASSEMBLY, No. 4642

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED SEPTEMBER 14, 2020

Sponsored by:

Assemblyman DANIEL R. BENSON
District 14 (Mercer and Middlesex)

Co-Sponsored by:

Assemblymen McClellan and Simonsen

SYNOPSIS

Requires Commissioner of Education to permit approved private schools for students with disabilities to remain open for in-person instruction if schools are ordered to close in 2020-2021 school year.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/14/2020)

1 AN ACT permitting approved private schools for students with
2 disabilities to remain open for in-person instruction in certain
3 circumstances during the 2020-2021 school year.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. a. Notwithstanding the provisions of any law, rule, or
9 regulation to the contrary, for the 2020-2021 school year, the
10 Commissioner of Education shall permit approved private schools
11 for students with disabilities to remain open for in-person
12 instruction or a combination of in-person and virtual or remote
13 instruction, in the event that schools are required to close for in-
14 person instruction for more than three consecutive school days due
15 to a declared state of emergency, declared public health emergency,
16 or a directive by the appropriate health agency or officer to institute
17 a public health-related closure. An approved private school for
18 students with disabilities that seeks to remain open for in-person
19 instruction or a combination of in-person and virtual or remote
20 instruction shall submit to the commissioner for approval a plan
21 detailing:

22 (1) the school's proposed program of instruction;

23 (a) In the event that the school institutes a program of
24 instruction with a combination of in-person and virtual or remote
25 instruction approved by the commissioner pursuant to this section, a
26 day of virtual or remote instruction shall be considered the
27 equivalent of a full day of school attendance for the purposes of
28 meeting State and local graduation requirements, the awarding of
29 course credit, and such other matters as determined by the
30 commissioner.

31 (b) Special education and related services, including speech
32 language services, counseling services, physical therapy,
33 occupational therapy, and behavioral services, may be delivered to
34 students with disabilities through the use of electronic
35 communication or a virtual or online platform and as required by
36 the student's individualized education program, to the greatest
37 extent practicable.

38 (2) how the school will adhere to the guidance set forth by the
39 commissioner pursuant to subsection c. of section 2 of
40 P.L.2020, c.27 (C.18A:46-21.1), in the event that the school
41 proposes a program of instruction with a combination of in-person
42 and virtual or remote instruction;

43 (3) how the school generally intends to meet the needs of its
44 students as required by their individualized education programs;

45 (4) any necessary communications and documented discussions
46 and agreements with the school's sending school districts, the
47 parents or guardians of students, or any State agency responsible for
48 providing the student's education, as applicable, which involve

1 determining how to meet the needs of students in a manner that is
2 consistent with the students' individualized education programs and
3 the mandated tuition contract;

4 (5) the provision of school meals and transportation to students;

5 (6) how the school will adhere to applicable public health
6 guidelines as issued by the United States Centers for Disease
7 Control and Prevention and any other appropriate public agencies;
8 and

9 (7) such other matters as the commissioner deems necessary.

10 b. An approved private school for students with disabilities
11 shall submit the plan required under subsection a. of this section to
12 the commissioner within 30 days of the effective date of this act,
13 provided however that if the school is unable to complete its plan
14 within the 30-day period, the commissioner may retroactively
15 approve the program.

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17 2. This act shall take effect immediately.
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20 STATEMENT

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22 This bill would require the Commissioner of Education to permit
23 approved private schools for students with disabilities (APSSDs) to
24 remain open for in-person instruction or a combination of in-person
25 and virtual or remote instruction, in the event that schools are
26 required to close for in-person instruction for more than three
27 consecutive school days due to a declared state of emergency,
28 declared public health emergency, or a directive by the appropriate
29 health agency or officer to institute a public health-related closure.

30 Under the bill, an APSSD that seeks to remain open for in-person
31 instruction or a combination of in-person and virtual or remote
32 instruction will submit to the commissioner for approval a plan
33 detailing, at a minimum: the school's proposed program of
34 instruction; how the school will adhere to guidance instituted under
35 P.L.2020, c.27, concerning virtual and remote instruction, in the
36 event that the school proposes a program of instruction with a
37 combination of in-person and virtual or remote instruction; how the
38 school generally intends to meet the needs of its students as
39 required by their individualized education programs; any necessary
40 communications and documented discussions and agreements with
41 the school's sending school districts, the parents or guardians of
42 students, or State agency responsible for providing the student's
43 education, as applicable; the provision of school meals and
44 transportation to students; and how the school will adhere to
45 applicable public health guidelines as issued by the United States
46 Centers for Disease Control and Prevention and any other
47 appropriate public agencies. An APSSD will submit the plan within
48 30 days of the effective date of the bill; however, if the school is

1 unable to complete its plan within the 30-day period, the
2 commissioner may retroactively approve the program.

3 To limit the transmission of COVID-19, all schools in the State
4 were required to close for in-person instruction pursuant to
5 Executive Order No. 104 of 2020. As the COVID-19 pandemic
6 continued, schools remained closed throughout the remainder of the
7 2019-2020 school year following the signing of the executive order.
8 With the issuance of the Department of Education’s report entitled
9 “The Road Back: Restart and Recovery Plan for Education,”
10 schools were directed to make plans for in-person instruction for the
11 2020-2021 school year. This bill would ensure that, if all schools
12 are required to close again during the 2020-2021 school year,
13 APSSDs will be allowed to remain open for in-person instruction.