ASSEMBLY, No. 4694

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED SEPTEMBER 21, 2020

Sponsored by:
Assemblywoman SHANIQUE SPEIGHT
District 29 (Essex)

SYNOPSIS

Requires public schools to allow at-risk teachers and other employees to complete employment duties remotely during 2020-2021 school year.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning certain teachers and public school employees during the 2020-2021 school year.

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

1. a. Notwithstanding the provisions of any law to the contrary, during the 2020-2021 school year, a teaching staff member or other employee of a school district, charter school, or renaissance school shall be permitted to perform, to the extent practicable, all employment duties through virtual or remote means, provided that the person is:

(1) diagnosed with a qualifying medical condition; or

(2) aged 65 years or older.

b. A teaching staff member or other employee of a school district, charter school, or renaissance school who seeks to perform all employment duties through virtual or remote means shall submit a written request, on the form prescribed by the Department of Education pursuant to paragraph (1) of subsection d. of this section, to the superintendent of the school district or the chief administrative officer of the charter school or renaissance school, as applicable. If the person has been diagnosed with a qualifying medical condition, the written request shall include documentation of the diagnosis.

c. The superintendent of a school district and the chief administrative officer of a charter school or renaissance school may only deny a written request submitted pursuant to subsection b. of this section if it is determined that:

(1) the teaching staff member or other employee does not meet the qualifications set forth in subsection a. of this section;

(2) the written request does not include documentation indicating that the teacher or other employee has been diagnosed with a qualifying medical condition, if applicable; or

(3) the employment duties of the teaching staff member or other employee cannot be performed through virtual or remote means.

d. (1) Within 30 days of the effective date of this act, the Department of Education shall create a uniform form upon which a teaching staff member or other employee of a school district, charter school, or renaissance school may submit a written request pursuant to subsection b. of this section.

(2) Within 30 days of the effective date of this act, the Department of Education, in consultation with the Department of Health, shall set forth a list of preexisting medical conditions that place a person at a significantly higher risk of mortality due to the COVID-19 pandemic. A person who has been diagnosed with a medical condition on the list shall be deemed to have a qualifying medical condition for the purposes of this act.

2. Notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.), or any other law to the contrary, the commissioner 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.).

3. This act shall take effect immediately.

STATEMENT

This bill permits certain teachers and public school employees to complete their employment duties remotely as a result of the COVID-19 pandemic.

During the 2020-2021 school year, the bill provides that a teaching staff member or other employee of a school district, charter school, or renaissance school would be permitted, to the extent practicable, to perform all employment duties through virtual or remote means, provided that the person (1) has been diagnosed with a qualifying medical condition; or (2) is aged 65 years or older.

Under the bill, if a teaching staff member or other employee seeks to perform their employment duties through virtual or remote means, the person would be required to submit a written request to the superintendent of the school district or the chief administrative officer of the charter school or renaissance school, as applicable. The superintendent or chief administrative officer may only deny the request if it is determined that (1) the person does not meet the qualifications set forth in the bill; (2) the written request does not include documentation indicating that the person has been diagnosed with a qualifying medical condition, if applicable; or (3) the person’s employment duties cannot be performed through virtual or remote means.

The bill requires the Department of Education, in consultation with the Department of Health, to set forth a list of qualifying medical conditions that place a person at a significantly higher risk of mortality due to the COVID-19 pandemic. The bill also requires the Department of Education to create a uniform form on which teaching staff members and other school employees may submit the written request to perform their employment duties remotely.