

ASSEMBLY, No. 4789

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED OCTOBER 8, 2020

Sponsored by:

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

**Assemblywoman Vainieri Huttles, Assemblyman Moen and
Assemblywoman Sumter**

SYNOPSIS

Establishes Safe and Equitable Remote Learning Program in DOE to support provision of mobile broadband Internet access service and remote learning safe havens by certain school districts.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/8/2021)

1 AN ACT establishing the Safe and Equitable Remote Learning
2 Program and supplementing Title 18A of the New Jersey
3 Statutes.

4

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

7

8 1. As used in this act:

9 “Eligible district” includes the Camden City School District, the
10 Passaic City School District, the Paterson City School District, and
11 the Trenton City School District.

12 “Mobile broadband Internet access service” means a mass-
13 market retail service by wire or radio that provides the capability to
14 transmit data to and receive data from all or substantially all
15 Internet endpoints, including any capabilities that are incidental to
16 and enable the operation of the communications service, but
17 excluding dial-up Internet access service.

18

19 2. There is established in the Department of Education a Safe
20 and Equitable Remote Learning Program to assist eligible school
21 districts in the provision of mobile broadband Internet access
22 service and remote learning safe havens, as provided in sections 3
23 and 4 of this act.

24

25 3. a. When an eligible district implements a program of virtual
26 or remote instruction, as provided under section 9 of P.L.1996,
27 c.138 (C.18A:7F-9), the eligible district shall be responsible for the
28 provision of mobile broadband Internet access service to the
29 residence of every enrolled student who is eligible for free or
30 reduced-price meals under the State school lunch program and who
31 lacks access to mobile broadband Internet access service. During
32 the period of virtual or remote instruction, the eligible district shall
33 provide direct payments to the Internet service provider that
34 delivers mobile broadband Internet access service to the residence
35 of each eligible student.

36 b. (1) Within the limits of available funds, the Department of
37 Education shall provide each eligible district with such funding as is
38 necessary to support the payments required under subsection a. of
39 this section.

40 (2) To the extent permitted by federal law, an eligible district
41 shall reimburse the department for the monies received pursuant to
42 paragraph (1) of this subsection using any federal financial
43 assistance received by the district to address the impact of the
44 declared public health emergency, state of emergency, or other
45 incident that caused the program of virtual or remote instruction to
46 be implemented, which federal financial assistance shall include,
47 but not be limited to, monies received under the federal

1 “Coronavirus Aid, Relief, and Economic Security (CARES) Act,”
2 Pub.L. 116-136.

3
4 4. a. Notwithstanding the provisions of any other law or
5 regulation concerning the approval of temporary educational
6 facilities to the contrary, when an eligible district implements a
7 program of virtual or remote instruction, as provided under section
8 9 of P.L.1996, c.138 (C.18A:7F-9), the eligible district may, with
9 the approval of the executive county superintendent of schools,
10 establish one or more remote learning safe havens. Each remote
11 learning safe haven shall be used for the delivery of remote
12 instruction to enrolled students in accordance with applicable social
13 distancing guidelines.

14 b. When an eligible district establishes a remote learning safe
15 haven, the eligible district shall be responsible for the provision of
16 mobile broadband Internet access service to the facility. The
17 service shall be sufficient for every enrolled student who is eligible
18 for free or reduced-price meals under the State school lunch
19 program to participate in remote instructional sessions at the
20 facility.

21 c. In addition to any other requirements established by the
22 Commissioner of Education, a remote learning safe haven shall be:

23 (1) located within a building owned by the federal government,
24 the State, a political subdivision of the State, or a nonprofit
25 organization; and

26 (2) staffed by appropriately licensed school personnel, as
27 approved by the board of education, during all hours of operation.

28 d. If an eligible district establishes a remote learning safe
29 haven, the Department of Education shall, within the limits of
30 available funds, provide the eligible district with such funding as is
31 necessary to defray the costs of establishing and staffing the
32 facility, as well as providing the facility with mobile broadband
33 Internet access service.

34
35 5. Notwithstanding any provision of P.L.1968, c.410
36 (C.52:14B-1 et seq.), or any other law to the contrary, the
37 Commissioner of Education may adopt, immediately upon filing
38 with the Office of Administrative Law and no later than the 90th
39 day after the effective date of this act, such rules and regulations as
40 the commissioner deems necessary to implement the provisions of
41 this act, which regulations shall be effective for a period not to
42 exceed 12 months. The regulations shall thereafter be amended,
43 adopted, or readopted by the commissioner in accordance with the
44 provisions of P.L.1968, c.410 (C.52:14B-1 et seq.).

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46 6. This act shall take effect immediately.

STATEMENT

This bill establishes the Safe and Equitable Remote Learning Program in the Department of Education to support the provision of mobile broadband Internet access service and remote learning safe havens by certain eligible districts, including the Camden City School District, the Passaic City School District, the Paterson City School District, and the Trenton City School District.

Under this bill, when an eligible district implements a program of virtual or remote instruction, the district would be required to provide mobile broadband Internet access service to the residence of every enrolled student who is eligible for free or reduced-price meals under the State school lunch program and who lacks access to mobile broadband Internet access service. During the period of virtual or remote instruction, the bill requires the eligible district to provide direct payments to the Internet service provider that delivers mobile broadband Internet access service to the residence of each eligible student.

Within the limits of available funds, the Department of Education would be required to provide each eligible district with such funding as is necessary to support the required Internet service payments. The districts would then be required to reimburse the department from any federal financial assistance received by the district to address the impact of the declared public health emergency, state of emergency, or other incident causing the program of virtual or remote instruction to be implemented (e.g., monies received under the federal “Coronavirus Aid, Relief, and Economic Security (CARES) Act,” Pub.L. 116-136).

Additionally, the bill provides that when an eligible district implements a program of virtual or remote instruction, the district may, with the approval of the executive county superintendent of schools, establish one or more remote learning safe havens. Each remote learning safe haven would be used for the delivery of remote instruction to enrolled students in accordance with applicable social distancing guidelines. Under the bill, the district would be required to provide mobile broadband Internet access service to the facility. The bill requires this service to be sufficient for every enrolled student who is eligible for free or reduced-price meals under the State school lunch program to participate in remote instructional sessions at the facility.

In addition to any other requirements established by the Commissioner of Education, each remote learning safe haven would be required to be: (1) located within a building owned by the federal government, the State, a political subdivision of the State, or a nonprofit organization; and (2) staffed by appropriately licensed school personnel, as approved by the board of education, during all hours of operation.

1 If an eligible district establishes a remote learning safe haven,
2 the department would be required to provide the district with such
3 funding as is necessary to defray the costs of establishing and
4 staffing the facility, as well as providing the facility with mobile
5 broadband Internet access service.