

SENATE, No. 1707

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

SYNOPSIS

Establishes flexible instructional day program to allow students to continue instruction at home when district must close its schools and to permit district to count flexible instructional days in meeting 180-day school year requirement.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning flexible instructional days and supplementing
2 P.L.1996, c.138 (C.18A:7F-5 et seq.).

3

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

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7 1. a. As used in this section:

8 “Department” means the Department of Education.

9 “Flexible instructional day” means a day:

10 (1) that qualifies as a day under the requirement that a school
11 district provide public school facilities for at least 180 days during
12 the school year in order to receive State aid in accordance with
13 section 9 of P.L.1996, c.138 (C.18A:7F-9);

14 (2) on which the school district is required to close the schools
15 of the district due to any of the following: a disease epidemic; a
16 hazardous weather condition; a law enforcement emergency; the
17 inoperability of school buses or other equipment necessary to the
18 school district’s operation; damage to a school building; and any
19 other temporary circumstance rendering any portion of a school
20 building unfit or unsafe for use; and

21 (3) on which instruction is provided to the students of the
22 district at home through the use of technology or some other
23 method identified by the school district.

24 “Program” means a flexible instructional day program that
25 allows a school district to use no more than five flexible
26 instructional days during a school year.

27 b. The Department of Education shall establish a flexible
28 instructional day program. The department shall issue guidance and
29 develop a standard application form for a school district seeking to
30 participate in a flexible instructional day program. The guidance
31 and form shall be posted on the department’s Internet website.

32 c. The form developed pursuant to subsection b. of this section
33 shall require the following information:

34 (1) The procedure for a school district to notify students,
35 parents, and teaching staff members that a flexible instructional day
36 is instituted;

37 (2) The procedure for instituting a flexible instructional day,
38 including whether the school district will use technology. If
39 technology will be used by the school district, the procedure shall
40 include information regarding accommodations for students and
41 teaching staff members without Internet access at home and for
42 digital device access at home and for digital access for families and
43 teaching staff members without technology or an insufficient
44 amount of technology for the number of children in the household;

45 (3) The responsibilities of teaching staff members and students
46 during a flexible instructional day;

47 (4) The procedure for identifying student participation during a
48 flexible instructional day;

1 (5) Assurance of compliance with the “Individuals with
2 Disabilities Education Act,” 20 U.S.C. s.1400 et seq., during a
3 flexible instructional day; and

4 (6) Any additional information that the department deems
5 necessary to determine whether to accept or deny an application to
6 establish a flexible instructional day program in the school district.

7 d. An application submitted to the department by a school
8 district seeking to establish a flexible instructional day program
9 which is approved by the department shall be valid for a period of
10 three years. A school district’s application to establish or renew a
11 flexible instructional day program shall be submitted to the
12 department on or before June 1 and the department shall notify the
13 school district if its application or renewal is approved or denied by
14 August 1 of the same year.

15 e. The department shall issue an annual survey related to the
16 efficacy of flexible instructional days on or before April 30 to each
17 school district with an approved application. Each school district
18 shall return the survey to the department by June 30 of the same
19 year.

20 f. Nothing in this section shall be construed to supersede or
21 preempt the rights, remedies, and procedures afforded to teaching
22 staff members or a collective bargaining unit under federal or State
23 law or any provision of a collective bargaining agreement entered
24 into by the school district.

25
26 2. This act shall take effect on the first day of the first full
27 school year next following the date of enactment, except the
28 Commissioner of Education may take any anticipatory
29 administrative action in advance as shall be necessary for the
30 implementation of this act.

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33 STATEMENT
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35 This bill requires the Department of Education to establish a
36 flexible instructional day program. Under a flexible instructional
37 day program a school district is permitted to offer up to five flexible
38 instructional days which are defined in the bill as:

39 (1) days which fulfill the 180-day school year requirement that
40 districts must meet in order to receive State aid;

41 (2) days on which the district must close the schools of the
42 district due to inclement weather or another type of emergency; and

43 (3) days on which instruction is provided to students at home,
44 through the use of technology or some other method identified by
45 the school district.

46 A school district seeking to participate in the program must
47 submit an application to the department for its approval. The
48 application form will include:

- 1 • the procedure for a school district to notify students,
2 parents, and teaching staff members that a flexible
3 instructional day is instituted;
- 4 • the procedure for instituting a flexible instructional day,
5 including whether the school district will use technology.
6 If technology will be used by the school district, the
7 procedure must include information regarding
8 accommodations for students and teaching staff members
9 without Internet access at home or an insufficient amount
10 of technology for the number of children in the
11 household;
- 12 • the responsibilities of teaching staff members and
13 students during a flexible instructional day;
- 14 • the procedure for identifying student participation during
15 a flexible instructional day for attendance purposes;
- 16 • assurance of compliance with the “Individuals with
17 Disabilities Education Act,” during a flexible
18 instructional day; and
- 19 • any additional information that the department deems
20 necessary.

21 If the department approves a district’s initial application or a
22 renewal application, the approval will be valid for a period of three
23 years. Under the provisions of the bill, the department will issue an
24 annual survey on or before April 30 to every school district that is
25 participating in a flexible instructional day program. The survey
26 will provide information to the department regarding the efficacy of
27 the program.

28 The bill states that nothing in the bill’s provisions may be
29 construed to supersede or preempt the rights, remedies, and
30 procedures afforded to teaching staff members or a collective
31 bargaining unit under federal or State law or any provision of a
32 collective bargaining agreement entered into by the school district.