

# SENATE, No. 2899

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED SEPTEMBER 14, 2020

**Sponsored by:**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Senator TROY SINGLETON**

**District 7 (Burlington)**

**Co-Sponsored by:**

**Senators Addiego and Turner**

**SYNOPSIS**

Establishes Safe Remote Learning Program in DOE to support provision of remote instruction facilities by public schools.

**CURRENT VERSION OF TEXT**

As introduced.



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

1 AN ACT establishing a Safe Remote Learning Program in the  
2 Department of Education to support the provision of remote  
3 instruction facilities by public schools.

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

7  
8 1. a. There is established in the Department of Education the  
9 Safe Remote Learning Program to support the provision of remote  
10 instruction facilities by school districts, charter schools, and  
11 renaissance schools that implement a partial or full-time program of  
12 virtual or remote instruction as a result of the COVID-19 pandemic.

13 b. The department shall establish guidelines concerning the  
14 establishment and maintenance of remote instruction facilities. In  
15 addition to any other requirements set forth by the department, the  
16 guidelines shall require each remote instruction facility to be:

17 (1) used for the delivery of remote instruction to students in  
18 accordance with health and safety standards set forth by the  
19 Department of Education, in consultation with the Department of  
20 Health;

21 (2) equipped with such online instruction equipment, including  
22 connected devices and mobile broadband Internet access service, as  
23 is necessary for every student who attends the facility to participate  
24 in remote instruction activities; and

25 (3) staffed by appropriately qualified persons during all hours of  
26 operation.

27 c. When a school district, charter school, or renaissance school  
28 implements a partial or full-time program of virtual or remote  
29 instruction as a result of the COVID-19 pandemic, the school may  
30 establish one or more remote instruction facilities, without prior  
31 approval from the department, provided that the facility complies  
32 with the guidelines established by the department pursuant to  
33 subsection b. of this section. The facilities may be established by  
34 repurposing space within an existing school facility or acquiring  
35 space within a facility owned by a non-profit organization or an  
36 institution of higher education.

37 d. (1) Within the limits of available space, a school district,  
38 charter school, or renaissance school that establishes a remote  
39 instruction facility shall, upon written request from the parent,  
40 guardian, or other person having legal custody of a student, permit  
41 the student to participate in remote instruction activities at the  
42 facility.

43 (2) If a student is enrolled in a school district, charter school, or  
44 renaissance school that has not established a remote instruction  
45 facility, or if a student is unable to attend a remote instruction  
46 facility due to insufficient space, the student shall be eligible to  
47 participate in remote instruction activities at any nearby remote  
48 instruction facility.

1 (3) If the school district, charter school, or renaissance school  
2 lacks sufficient space to allow all students to participate in remote  
3 instruction activities at a remote instruction facility, the school shall  
4 give preference to:

5 (a) students who are eligible for free or reduced price meals  
6 under the National School Lunch Program or the federal School  
7 Breakfast Program; and

8 (b) students whose parent, guardian, or other person having  
9 legal custody is considered an essential worker by the department,  
10 which workers shall include, but not be limited to, teachers, school  
11 administrators, and other school personnel.

12 e. The department, in consultation with the Department of  
13 Children and Families, shall establish eligibility criteria for persons  
14 who may staff remote instruction facilities, except that a student  
15 who is enrolled in an educator preparation program at a public  
16 institution of higher education in the State shall be eligible to staff a  
17 remote instruction facility and shall receive credit for such service  
18 toward the educator preparation program.

19 f. As used in this section:

20 “Connected device” means a laptop computer, tablet computer,  
21 or similar device that is capable of connecting to broadband Internet  
22 access service, either by receiving such service directly or through  
23 the use of Wi-Fi.

24 “Mobile broadband Internet access service” means a mass-  
25 market retail service by wire or radio that provides the capability to  
26 transmit data to and receive data from all or substantially all  
27 Internet endpoints, including any capabilities that are incidental to  
28 and enable the operation of the communications service, but  
29 excluding dial-up Internet access service.

30 “Online instruction equipment” means the equipment necessary  
31 for a student to participate in remote instruction activities, and  
32 includes a connected device and mobile broadband Internet access  
33 service.

34

35 2. a. If a school district, charter school, or renaissance school  
36 establishes one or more remote instruction facilities, the  
37 Department of Education shall, from the monies made available  
38 pursuant to subsection b. of this section, reimburse the school  
39 district, charter school, or renaissance school for the full costs of  
40 establishing and maintaining each facility.

41 b. (1) To the extent permitted by federal law, the department  
42 shall provide such funding as is necessary, from the monies  
43 allocated to the State under the federal “Coronavirus Aid, Relief,  
44 and Economic Security (CARES) Act,” Pub.L. 116-136, or any  
45 other financial assistance provided by the federal government to  
46 address the impact of the COVID-19 pandemic, to support the  
47 reimbursements required under subsection a. of this section.

1 (2) If insufficient federal funding is made available pursuant to  
2 paragraph (1) of this subsection, the State shall appropriate such  
3 additional amounts as are necessary to support the reimbursements  
4 required under subsection a. of this section, subject to the approval  
5 of the Director of the Division of Budget and Accounting in the  
6 Department of the Treasury.

7  
8 3. Notwithstanding any provision of P.L.1968, c.410  
9 (C.52:14B-1 et seq.), or any other law to the contrary, the  
10 Commissioner of Education may adopt, immediately upon filing  
11 with the Office of Administrative Law and no later than the 90th  
12 day after the effective date of this act, such rules and regulations as  
13 the commissioner deems necessary to implement the provisions of  
14 this act, which regulations shall be effective for a period not to  
15 exceed 12 months. The regulations shall thereafter be amended,  
16 adopted, or readopted by the commissioner in accordance with the  
17 provisions of P.L.1968, c.410 (C.52:14B-1 et seq.).

18  
19 4. This act shall take effect immediately.  
20  
21

22 STATEMENT  
23

24 This bill establishes the Safe Remote Learning Program in the  
25 Department of Education to support the provision of remote  
26 instruction facilities by school districts, charter schools, and  
27 renaissance schools that implement a partial or full-time program of  
28 virtual or remote instruction as a result of the COVID-19 pandemic.

29 Under the program, the department would be required to  
30 establish guidelines concerning the establishment and maintenance  
31 of remote instruction facilities. At a minimum, these guidelines  
32 would require each facility to be: (1) used for the delivery of remote  
33 instruction to students in accordance with health and safety  
34 standards set forth by the department, in consultation with the  
35 Department of Health; (2) equipped with such online instruction  
36 equipment as is necessary for every student who attends the facility  
37 to participate in remote instruction activities; and (3) staffed by  
38 appropriately qualified persons during all hours of operation.

39 When a school district, charter school, or renaissance school  
40 implements a partial or full-time program of virtual or remote  
41 instruction as a result of the COVID-19 pandemic, the school may  
42 establish one or more remote instruction facilities, without prior  
43 approval from the department, provided that the facility complies  
44 with the department's guidelines. Under the bill, these facilities  
45 could be established by repurposing space within an existing school  
46 facility or acquiring space within a facility owned by a non-profit  
47 organization or an institution of higher education.

1        Within the limits of available space, a school district, charter  
2 school, or renaissance school that establishes a remote instruction  
3 facility would be required, upon written request from the parent,  
4 guardian, or other person having legal custody of a student, to  
5 permit the student to participate in remote instruction activities at  
6 the facility. The bill also provides that if a student is enrolled in a  
7 school district, charter school, or renaissance school that has not  
8 established a remote instruction facility, or if a student is unable to  
9 attend a remote instruction facility due to insufficient space, then  
10 the student may attend any nearby remote instruction facility.

11        However, if the school district, charter school, or renaissance  
12 school lacks sufficient space to allow all students to attend a remote  
13 instruction facility, the school would be required to give preference  
14 to: (1) students who are eligible for free or reduced price meals  
15 under the National School Lunch Program or the federal School  
16 Breakfast Program; and (2) students whose parent, guardian, or  
17 other person having legal custody is considered an essential worker  
18 by the department.

19        The department, in consultation with the Department of Children  
20 and Families, would also be required to establish eligibility criteria  
21 for persons who may staff remote instruction facilities. However,  
22 the bill provides that a student who is enrolled in an educator  
23 preparation program at a public institution of higher education in  
24 the State would be eligible to staff a remote instruction facility and  
25 receive credit for such service toward the educator preparation  
26 program.

27        The bill also requires the State to reimburse school districts,  
28 charter schools, and renaissance schools for the full costs incurred  
29 in establishing and maintaining remote instruction facilities. To the  
30 extent permitted by federal law, the department would be required  
31 to reimburse these costs from the monies allocated to the State  
32 under the federal “Coronavirus Aid, Relief, and Economic Security  
33 (CARES) Act” or any other financial assistance provided by the  
34 federal government to address the impact of the COVID-19  
35 pandemic. However, if insufficient federal funding is available to  
36 defray these costs, the State would be required to appropriate such  
37 additional amounts as are necessary to reimburse each school,  
38 subject to the approval of the Director of the Division of Budget  
39 and Accounting in the Department of the Treasury.