SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2899

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 22, 2020

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2899 (1R), with committee amendments.

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

Under the program, the department would be required to establish guidelines concerning the establishment and maintenance of remote instruction facilities. At a minimum, these guidelines would require each facility to be: (1) used for the delivery of remote instruction to students in accordance with health and safety standards set forth by the department, in consultation with the Department of Health, and in receipt of written confirmation from the local health department that the remote instruction facility is operating in accordance with health and safety standards established in response to the COVID-19 pandemic; (2) equipped with such online instruction equipment as is necessary for every student who attends the facility to participate in remote instruction activities; (3) staffed by appropriately qualified persons during all hours of operation; and (4) in compliance with the rules and regulations for licensed child care centers.

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

When a remote instruction facility established by a school district, charter school, or renaissance school is to be operated by a private or non-profit entity, the bill provides that the school district, charter school, or renaissance school is required to enter into a memorandum

of understanding with the private or non-profit entity concerning the operation of the remote instruction facility by the private or non-profit entity. The department, in consultation with the Department of Children and Families, will establish provisions that are required to be contained in any memorandum of understanding entered into pursuant to the bill, and will develop a sample memorandum of understanding that may be used for the purposes of complying with this requirement no later than 30 days after the effective date of the bill.

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

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

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

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

COMMITTEE AMENDMENTS:

The committee amended the bill to provide that the guidelines established by the department would require each remote instruction facility to be in receipt of written confirmation from the local health department that the remote instruction facility is operating in accordance with health and safety standards established in response to the COVID-19 pandemic, in addition to the requirement that each remote instruction facility be used in accordance with health and safety standards set forth by the department, in consultation with the Department of Health.

The committee amendments also provide that, when a remote instruction facility established by a school district, charter school, or renaissance school is to be operated by a private or non-profit entity, the school district, charter school, or renaissance school is required to enter into a memorandum of understanding with the private or non-profit entity concerning the operation of the remote instruction facility by the private or non-profit entity. The department, in consultation with the Department of Children and Families, will establish provisions that are required to be contained in any memorandum of understanding entered into pursuant to the bill, and will develop a sample memorandum of understanding that may be used for the purposes of complying with this requirement no later than 30 days after the effective date of the bill.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.