

SENATE, No. 3123

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 5, 2020

Sponsored by:

Senator NILSA I. CRUZ-PEREZ

District 5 (Camden and Gloucester)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

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: 5/6/2021)

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,

1 but not be limited to, monies received under the federal
2 “Coronavirus Aid, Relief, and Economic Security (CARES) Act,”
3 Pub.L. 116-136.

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

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

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

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

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

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

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

1 6. This act shall take effect immediately.

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STATEMENT

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

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

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

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

44 In addition to any other requirements established by the
45 Commissioner of Education, each remote learning safe haven would
46 be required to be: (1) located within a building owned by the federal

1 government, the State, a political subdivision of the State, or a
2 nonprofit organization; and (2) staffed by appropriately licensed
3 school personnel, as approved by the board of education, during all
4 hours of operation.

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