

[First Reprint]

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 Pilot Program in DOE to support provision of remote learning safe havens by certain school districts.

CURRENT VERSION OF TEXT

As reported by the Senate Education Committee on December 16, 2021, with amendments.



(Sponsorship Updated As Of: 5/6/2021)

1 AN ACT establishing the Safe and Equitable Remote Learning
2 ¹Pilot¹ 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 ¹["Eligible district" includes the Camden City School District,
10 the Passaic City School District, the Paterson City School District,
11 and the Trenton City School District.

12 "Mobile broadband" **["Broadband"** Internet ¹**["access"** service"
13 means a mass-market retail service ¹**["by wire or radio"** that
14 provides the capability to transmit data to and receive data from all
15 or substantially all Internet endpoints, including any capabilities
16 that are incidental to and enable the operation of the
17 communications service, but excluding dial-up Internet access
18 service.

19 ¹"Eligible district" includes the Camden City School District, the
20 Newark City School District, the Passaic City School District, the
21 Paterson City School District, and the Trenton City School District.

22 "Program of hybrid instruction" means a program of instruction
23 that is provided through a mix of in-person and virtual or remote
24 instruction and is implemented in accordance with criteria to be
25 established by the Commissioner of Education and is approved by
26 the commissioner.¹

27
28 2. There is established in the Department of Education a Safe
29 and Equitable Remote Learning ¹Pilot¹ Program to assist eligible
30 school districts in the provision of ¹**["mobile broadband Internet**
31 access service and¹ remote learning safe havens, as provided in
32 sections 3 and 4 of this act.

33
34 ¹**["3. a. When an eligible district implements a program of**
35 virtual or remote instruction, as provided under section 9 of
36 P.L.1996, c.138 (C.18A:7F-9), the eligible district shall be
37 responsible for the provision of mobile broadband Internet access
38 service to the residence of every enrolled student who is eligible for
39 free or reduced-price meals under the State school lunch program
40 and who lacks access to mobile broadband Internet access service.
41 During the period of virtual or remote instruction, the eligible
42 district shall provide direct payments to the Internet service
43 provider that delivers mobile broadband Internet access service to
44 the residence of each eligible student.

EXPLANATION – Matter enclosed in bold-faced brackets **["thus"]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SED committee amendments adopted December 16, 2021.

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

5 (2) To the extent permitted by federal law, an eligible district
6 shall reimburse the department for the monies received pursuant to
7 paragraph (1) of this subsection using any federal financial
8 assistance received by the district to address the impact of the
9 declared public health emergency, state of emergency, or other
10 incident that caused the program of virtual or remote instruction to
11 be implemented, which federal financial assistance shall include,
12 but not be limited to, monies received under the federal
13 “Coronavirus Aid, Relief, and Economic Security (CARES) Act,”
14 Pub.L. 116-136.】¹

15
16 ¹【4】3¹. a. Notwithstanding the provisions of any other law
17 or regulation concerning the approval of temporary educational
18 facilities to the contrary, when an eligible district implements a
19 program of virtual or remote instruction, as provided under section
20 9 of P.L.1996, c.138 (C.18A:7F-9), ¹or a program of hybrid
21 instruction,¹ the eligible district may, with the approval of the
22 executive county superintendent of schools, establish one or more
23 remote learning safe havens. Each remote learning safe haven shall
24 be used for the delivery of ¹virtual or¹ remote instruction to
25 enrolled students in accordance with applicable social distancing
26 ¹and other health and safety¹ guidelines. ¹This act shall not be
27 construed as to permit an eligible district to provide in-person
28 instruction at a remote learning safe haven established pursuant to
29 this act, unless otherwise authorized pursuant to State law.¹

30 b. When an eligible district establishes a remote learning safe
31 haven, the eligible district shall be responsible for the provision of
32 ¹【mobile】¹ broadband Internet ¹【access】¹ service to the facility.
33 The service shall be sufficient for every enrolled student who is
34 eligible for free or reduced-price meals under the State school lunch
35 program to participate in ¹virtual or¹ remote instructional sessions
36 at the facility.

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

39 (1) located within a building owned by the federal government,
40 the State, a political subdivision of the State, or a nonprofit
41 organization; ¹【and】¹

42 (2) staffed by appropriately licensed school personnel ¹【, as】
43 who have undergone a criminal history record check pursuant to the
44 provisions of P.L.1986, c.116 (C.18A:6-7.1 et seq.) and are¹

1 approved by the board of education, during all hours of operation ¹;
2 and

3 (3) in compliance with the applicable standards for temporary
4 educational facilities required pursuant to the State Board of
5 Education regulations¹.

6 d. If an eligible district establishes a remote learning safe
7 haven, the Department of Education shall, within the limits of
8 available funds, provide the eligible district with such funding as is
9 necessary to defray the costs of establishing and staffing the
10 facility, as well as providing the facility with ¹["mobile"]¹ broadband
11 Internet ¹["access"]¹ service. ¹To the maximum extent possible, an
12 eligible district shall provide the remote learning safe haven such
13 staff, resources, equipment, and materials as may be necessary to
14 establish and operate the remote learning safe haven and to limit the
15 use of staff, resources, equipment, and materials of the remote
16 learning safe haven.¹

17
18 ¹4. Following the expiration of the public health emergency
19 declared by the Governor in Executive Order 103 of 2020 or the
20 rescission of the declaration of the public health emergency
21 declared by the Governor in Executive Order 103 of 2020, an
22 eligible district that establishes one or more remote learning safe
23 havens pursuant to section 3 of this act may continue to use, or
24 enter into written agreements or partnerships to continue to use, the
25 remote learning safe havens for before school and after school
26 activities.¹

27
28 ¹5. a. In any school year in which an eligible district establishes
29 a remote learning safe haven pursuant to the provisions of this act,
30 the Department of Education shall collect information on the
31 program including, but not limited to:

32 (1) the number of students who engaged in virtual or remote
33 instruction in a remote learning safe haven during the school year;

34 (2) the costs of establishing a remote learning safe haven in each
35 eligible district and the amounts provided by the department to
36 eligible districts pursuant to subsection d. of section 3 of this act;

37 (3) the number of school personnel who staffed the remote
38 learning safe havens in each eligible district, including any
39 additional costs incurred by eligible districts to provide such staff;
40 and

41 (4) a description of each remote learning safe haven established
42 pursuant to the provisions of this act.

43 b. Within 30 days of the end of any school year in which an
44 eligible district establishes a remote learning safe haven pursuant to
45 the provisions of this act, the department shall submit a report to the

1 Governor, and to the Legislature pursuant to section 2 of P.L.1991,
2 c.164 (C.52:14-19.1). The report shall contain the information
3 collected by the department pursuant to subsection a. of this section
4 and the department's recommendation on the advisability of
5 continuing the Safe and Equitable Remote Learning Pilot Program
6 and expanding the program for implementation in additional school
7 districts.¹

8
9 ¹**[5.] 6.**¹ Notwithstanding any provision of P.L.1968, c.410
10 (C.52:14B-1 et seq.), or any other law to the contrary, the
11 Commissioner of Education may adopt, immediately upon filing
12 with the Office of Administrative Law and no later than the 90th
13 day after the effective date of this act, such rules and regulations as
14 the commissioner deems necessary to implement the provisions of
15 this act, which regulations shall be effective for a period not to
16 exceed 12 months. The regulations shall thereafter be amended,
17 adopted, or readopted by the commissioner in accordance with the
18 provisions of P.L.1968, c.410 (C.52:14B-1 et seq.).

19
20 ¹**[6.] 7.**¹ This act shall take effect immediately.