



AN ACT concerning flexible instruction days for public schools and amending P.L.1996, c.138.

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

1. Section 9 of P.L.1996, c.138 (C.18A:7F-9) is amended to read as follows:

9. a. In order to receive any State aid pursuant to P.L.2007, c.260 (C.18A:7F-43 et al.), a school district, county vocational school district, or county special services school district shall comply with the rules and standards for the equalization of opportunity which have been or may hereafter be prescribed by law or formulated by the commissioner pursuant to law, including those implementing P.L.1996, c.138 (C.18A:7F-1 et al.) and P.L.2007, c.260 (C.18A:7F-43 et al.) or related to the core curriculum content standards required by P.L.2007, c.260 (C.18A:7F-43 et al.), and shall further comply with any directive issued by the commissioner pursuant to section 6 of P.L.1996, c.138 (C.18A:7F-6). The commissioner is hereby authorized to withhold all or part of a district's State aid for failure to comply with any rule, standard or directive. No State aid shall be paid to any district which has not provided public school facilities for at least 180 days during the preceding school year, but the commissioner, for good cause shown, may remit the penalty.

b. Notwithstanding the provisions of subsection a. of this section to the contrary, in the event that a school district is required to close the schools of the district for more than three school days due to an epidemic, or a weather or other emergency condition, the commissioner shall allow the district to apply to the 180-day requirement established pursuant to subsection a. of this section, one or more days of virtual or remote instruction provided to students on the day or days the schools of the district were closed if the program of virtual or remote instruction meets such criteria as may be established by the commissioner. A district that wants to use a program of virtual or remote instruction to meet the 180-day requirement in accordance with this subsection shall submit its proposed program of virtual or remote instruction to the commissioner within 30 days of the effective date of P.L. , c. (pending before the Legislature as this bill) and annually thereafter, provided however that if the school district is unable to complete and submit its proposed program within the 30-day period and the district is required to close its schools for an epidemic, or a weather or other emergency condition, the commissioner may retroactively approve the program.

A day of virtual or remote instruction shall be considered the equivalent of a full day of school attendance for the purposes of meeting State and local graduation requirements, the awarding of

**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.

course credit, and such other matters as determined by the commissioner.

c. In the event that the State or local health department determines that it is advisable to close the schools of a school district, the superintendent of schools shall have the authority to implement the school district's program of virtual or remote instruction.

d. The commissioner shall define virtual and remote instruction and establish guidance for its use. The guidance shall provide school districts with information on:

(1) providing instruction to students who may not have access to a computer or to sufficient broadband;

(2) the required length of a virtual or remote instruction day;

(3) the impact of virtual or remote instruction on the school lunch and school breakfast programs;

(4) the impact of virtual or remote instruction on the schedule for administering State assessments; and

(5) such other topics as the commissioner deems necessary.

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

(cf: P.L.2007, c.260, s.32)

2. This act shall take effect immediately.

#### STATEMENT

Under current law, a school district, county vocational school district, or county special services school district must be open for 180 days each school year in order to qualify for State aid. In the event that a school district does not meet this requirement, the Commissioner of Education will withhold State aid in the succeeding year. While the law does allow the commissioner to remit the penalty for good cause shown, the exemption has been rarely applied.

This bill would allow a school district, county vocational school district, or county special services school district to meet the 180-day requirement in a year with an excessive number of unexpected school closures due to an epidemic, or a weather or other emergency through the use of virtual or remote instruction. Specifically, in the event that a district is required to close its schools for more than three school days due to an epidemic, or a weather or other emergency condition, the commissioner will allow the district to apply to the 180-day requirement one or more days of virtual or remote instruction provided to students on the day or days the schools of the district were closed if the program meets such

criteria as may be established by the commissioner. A district that wants to use a program of virtual or remote instruction to meet the 180-day requirement must submit its proposed program of virtual instruction to the commissioner within 30 days of the effective date of the bill and annually thereafter. The bill provides, however, that if a district is unable to meet the initial 30-day period and the district must close its schools for an epidemic, or a weather or other emergency condition, the commissioner is permitted to retroactively approve the district's program. If the State or local health department determines that it is advisable that the schools of a district be closed, the superintendent of schools will have the authority to implement the district's program of virtual or remote learning. The bill provides that a day of virtual or remote instruction will be considered the equivalent of a full day of school attendance for the purposes of meeting State and local graduation requirements, the awarding of course credit, and for such other matters as the commissioner determines.

The bill directs the commissioner to define virtual and remote instruction and provide guidance for its use. The guidance will also provide districts information on: providing instruction to students who may not have access to a computer or to sufficient broadband; the required length of a virtual or remote instruction day; the impact of virtual or remote instruction on the school lunch and school breakfast programs; the impact of virtual or remote instruction on the schedule for administering State assessments; and such other topics as the commissioner deems necessary.

Nothing in the bill may be construed to supersede or preempt the rights, remedies, and procedures afforded to teaching staff members or a collective bargaining unit under federal or State law or any provision of a collective bargaining agreement entered into by the school district.

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Permits use of virtual or remote instruction to meet minimum 180-day school year requirement under certain circumstances.