

Selected Chapter Laws

(January-June 2022)

Spring School Law Forum

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New Jersey School Boards Association

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P.L. 2021, c. 471

- Creates Office of School Bus Safety;
- Designate that the Office of School Bus Safety will be in the Department of Education (DOE). Provide that the office will coordinate with the Motor Vehicle Commission and the Department of Law and Public Safety on the sharing of information regarding matters related to school bus safety. The MVC and the Department of Law and Public Safety will, pursuant to a valid Memorandum of Understanding and to the extent permitted by law, share information with the office to assist in effectuating the provisions of the bill;
- (4) provide that the DOE will submit an initial report to the Governor and Legislature and that thereafter the office will issue an annual report to the Commissioner of Education; and
- (5) make an appropriation of \$200,000 from the General Fund to the DOE
- Effective Immediately



P.L. 2021, c. 470

- Permits dependents of military member to enroll in school district in advance of military member's relocation to district. Modifies 18A:38-1
- Shall be permitted to enroll a dependent child in a school district and register for courses in advance of the member's relocation. Copy of the relocation orders presented to the school district. Once enrolled, child shall be permitted to attend classes and receive services free of charge in the same manner as if they were already a resident of the school district. Proof of residency waived until such time that the member's family has been relocated within the school district.
- Effective Immediately.



P.L. 2021, c. 461

- Requires school districts to have accessible websites
- Upon approval of Commissioner, Must meet Web Content Accessibility Guidelines (WCAG) 2.1 Level AA or the most up-to-date version of the guidelines or any other guideline required.
- District provides Commissioner with statement of assurance that it meets guidelines. Required every 2 years.
- Effective July 1. Comm'r may take anticipatory action
- Currently unfunded.



P.L. 2021, c. 456

- Establishes Student Wellness Grant Program in DOE.
- NJDOE consults DCF. Provide grants that support school districts in implementing school-based programs and practices that promote mental wellness, social and emotional learning, and student resilience.
- NJDOE Commissioner distributes best practices in school-based programs that promote mental wellness, social and emotional learning, and student resilience.
- Districts that receive the grants required to submit reports on implementation to NJDOE. Commissioner then makes annual report to legislature and governor on implementation.
- Effective Immediately. Funded by CARES \$\$



P.L. 2021, c. 446

- Requires student representative be appointed to each board of education of school district and board of trustees of charter school that includes grades nine through 12. Rotates if multiple high schools.
- Minimum of one student selected by the student body to serve as nonvoting student representative. Student body may elect or appoint the student representative to the board, in a process to be determined by the CSA and shall consider input provided by the student body. The student rep shall serve for a one school year term. No participation in closed session.
- Effective in the first full school year following the date of enactment.



P.L. 2021, c. 420

- State Board of Education shall not require a candidate for a CE or CEAS in career and technical education endorsement to complete a Commissioner-approved test of basic reading, writing, and mathematics skills in order to obtain a standard certificate, if the candidate can demonstrate proficiency in the use of English language and mathematics through an alternate measure.
- Effective in first school year following enactment.



P.L. 2021, c. 416

- Requires school districts to provide instruction on history and contributions of Asian Americans and Pacific Islanders as part of implementation of New Jersey Student Learning Standards in Social Studies.
- a board of education shall adopt inclusive instructional materials that portray the cultural and economic diversity of Asian Americans and Pacific Islanders.
- board of education shall have policies and procedures in place pertaining to the selection of instructional materials to implement the requirements
- board of education shall seek the assistance and advice of the Commission on Asian Heritage.
- Effective in First School year following enactment.



P.L. 2021, c. 410

- Establishes Commission on Asian American Heritage in DOE. Consists of 21 members.
- Purpose of the commission is to survey, design, encourage and promote the implementation of historical, cultural and educational programs concerning people of Asian and Asian American descent in NJ.
- To infuse the history of Asian Americans into the social studies curriculum in order to provide an accurate, complete, and inclusive history;
- To ensure that New Jersey teachers are equipped to effectively teach the New Jersey Student Learning Standards in Social Studies
- Effective Immediately.



P.L. 2021, c. 411

- Amends New Jersey Employer-Employee Relations Act & the Workplace Democracy Enhancement Act
- Every 120 calendar days, employers provide to union for each employee not represented by union: name, job title, worksite location, work email and phone number, and, within 30 days of request by union, a job description for non-represented employees, including the names and job titles of all employees supervised by the employer.
- Employees who authorized deduction of fees prior to effective date of WDEA may revoke the authorization by providing written notice to employer.
- Provides that employees who have authorized the deduction of fees to employee organizations on or after the effective date of the WDEA may revoke such authorization by providing written notice to their employer at any time.



P.L. 2021, c. 408

- Permits retired teachers or professional staff members providing special services such as a speech language therapist or therapist to work in district for 21-22 and 22-23 school years without re-enrollment in TPAF.
- District must demonstrate need to the Commissioner
- Effective Immediately.



P.L.2021, c. 402

- Modifies certain procedures pertaining to school district regionalization; establishes grant program for cost reimbursement of conducting regionalization feasibility studies; and provides financial incentives for regionalization.
- DCA establishes grant to fund feasibility studies and other reasonable costs. 2 or more boards of education or their municipalities may seek funding.
- Must be to create limited purpose or all-purpose regional. Law details minimum requirements for feasibility study
- Feasibility studies underway in last two years eligible for funding.
- Existing employee/union rights protected



P.L.2021, c. 402 (continued)

- A constituent district that is currently in a regional district that they do not like may withdraw from that district in order to form a different regional district provided that it meets certain criteria (no segregative effect, etc). May even join a regional district where you are not geographically contiguous. However if you withdraw, you owe them transitional support for 5 years.



P.L. 2021, c. 402 (continued)

- If the voters approve the regionalization, district must follow the approved plan; Misbehaving districts brought to Commissioner will require district to adopt corrective action plan
- If going from a limited purpose regional to all-purpose regional, proposal is considered adopted if a majority of voters in a majority of districts approve. The district that did not approve may continue to send students to the schools that were established when it was a limited purpose district.
- Apportionment of seats may be done by the proportion of pupils from each constituent. The district that did not approve of the regionalization has a sending seat and the voting rights of a sender.



P.L. 2021, c. 402 (continued)

- When going from limited purpose to all-purpose, you may apportion seats according to constituent population, not pupils. However, everyone gets at least one seat.
- When converting from limited to all purpose, the newly formed board of education shall serve until elections can be held; 2/3 shall be selected from the former constituent boards of the limited purpose regional, 1/3 shall be selected from the former board of the limited purpose regional itself.
- Elections are held in accordance with the apportionment method chosen. Election of members done in the year after the election approving the regional.



P.L. 2021, c. 402 (continued)

- If you are a district that would have lost money under S-2 and you do regionalize the amount of losses is smoothed out over 10 years.
- Law takes effect immediately.
- Helpful resources
 - <https://www.nj.gov/education/broadcasts/2022/june/22/AlternativeStateSchoolAidCalculationforDistrictsReceivingSchoolRegionalizationEfficiencyProgramGrant.pdf> (DOE memo on adjusted state aid allocation)
 - School Regionalization Efficiency Program (SREP) Grant guidelines
https://nj.gov/dca/divisions/dlgs/programs/srepgrants_docs/FY2022_SREP_Guidelines.pdf



P.L. 2021, c. 390

- Creates special education unit within the Office of Administrative Law; requires annual report. Also requires OAL set up tracking system for cases for petitioners to follow.
- This act shall take effect on the first day of the ninth month next following the appointment and confirmation of 15 additional administrative law judges but in no case later than the first day of the 25th month following enactment except the Director and Chief Administrative Law Judge of the Office of Administrative Law may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.



P.L. 2021, c. 387

- Requires school districts and charter schools to report discipline data on their websites and to Commissioner of Education; requires DOE to establish database and complete annual report concerning student disciplinary actions.
- Adds requirement for school districts and charter schools to report discipline data on their websites and to Commissioner of Education; requires DOE to establish database and complete annual report concerning student disciplinary actions.
- The Commissioner shall compile the information into a Statewide database posted on the NJDOE website.



P.L. 2021, c. 365

Requires that a school district ensures that a school security drill that occurs when students are present:

Includes clear, developmentally and age-appropriate messaging to students and staff at the conclusion of the drill that the event is a drill and that no current danger exists;

- does not expose students to content that is not developmentally appropriate or utilize trauma-informed approaches to address any student concerns which may arise as a result of a school drill;
- does not include the use of fake blood, real or prop firearms, or the simulations of gun shots, explosions, or other sounds or visuals that may induce panic or traumatic response from a student or district employee;
- does not require a student to role play as a victim, but may include first aid training in which students participate; and

is accessible to students with disabilities and mental health conditions, and provides all necessary accommodations for these students.

• The bill as amended provides that a school district would be



P.L.2021, c. 365 (continued)

is accessible to students with disabilities and mental health conditions, and provides all necessary accommodations for these students.

- a school district required to provide written notification to the parent of a student enrolled in the district following completion of a school security drill. The notification provided to the parent or guardian by no later than the end of the school day on which the school security drill is conducted.
- school district may permit emergency personnel access to the buildings and grounds for school security drills that are scheduled outside of school hours and during such times as students are not present.
- school district reviews and updates its procedures using a process that coincides with the review of the security plan developed pursuant to N.J.A.C.6A:16-5.1 and seeks input from emergency personnel, parents, staff employed in the district, mental health professionals, and student government representatives.



P.L. 2021, c. 339

Law requires annual report card submitted by a school district would also be required to include the following information for each school within the district: (1) the number of mental health professionals, including school psychologists, school counselors, social workers, student assistance coordinators, and other mental health professionals, and the ratio of students to the total number of mental health professionals; and (2) the number of school safety specialists.

- take effect immediately and shall first apply to the school report card issued for the first full school year following the date of enactment.



P.L. 2021, c. 338

- Law provides for increased civil liability of the parent of a minor adjudicated delinquent for cyber-harassment or harassment.
- Increases the monetary penalty against the parent or guardian for failure to comply with court-ordered class or training program as follows: (1) the \$25 fine for a first offense would be increased to \$100; and (2) the \$100 fine for each subsequent offense would be increased to \$500.
- Makes changes to district's HIB procedures and certain reporting requirements
- School district and each school in the district post on its homepage the current version of the document, "Guidance for Parents on the Anti-Bullying Bill of Rights Act", developed by DOE. The School Climate State Coordinator, ensures that this document is updated as needed and promptly disseminated to all school districts.
- School Climate State Coordinator within the DOE serves as a resource to parents, students, and educators.



P.L. 2021, c. 309

- Concerns free speech rights of student journalists.
- each school district shall adopt a written policy concerning student freedom of expression. The policy shall include reasonable provisions for the time, place, and manner of student expression. The policy may also include limitations on language that may be defined as profane, harassing, threatening, or intimidating. Additionally, language that is libelous or slanderous; constitutes an unwarranted invasion of privacy is profane or obscene; violates federal or State law; or incites students as to create a clear and present danger of the commission of an unlawful act, the violation of school district policies, or the material and substantial disruption of the orderly operation of the school, may be regulated.
- Effective date first full school year next following the date of enactment.



P.L. 2022, c. 60

- Requires State Board of Education to administer New Jersey Graduation Proficiency Assessment as field test for class of 2023.
- the State Board of Education and the Commissioner of Education shall use the results of the test to assist in the development of State graduation proficiency tests for future graduating classes.



P.L. 2022, c. 2

- Extends period of time for filing special education due process petitions related to COVID 19 school closures and periods of virtual, remote, hybrid, or in person instruction.
- Request for a due process hearing made by a parent, guardian, or local educational agency regarding the identification, evaluation, educational placement, or the provision of a free and appropriate public education of a child with a disability during a COVID-19 school closure or a period of virtual, remote, hybrid, or in-person instruction accruing between March 18, 2020 and September 1, 2021 may be filed at any time prior to September 1, 2023.

