Schools May Conduct In-Person Summer Learning: The Latest Guidance from the DOE

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Porzio Client Alert

The Department of Education has released guidance[1] for schools to conduct summer educational programing, including in-person instruction, which can begin on or after July 6, 2020. Permissible summer programming includes educational programs run by school districts (e.g., public schools, renaissance schools, and charter schools) as well as receiving schools' programs, such as Extended School Year ("ESY") programs, traditional credit recovery, and migrant education. In-person instruction must adhere to Governor Murphy's Executive Orders, and the New Jersey Department of Health's COVID-19 Youth Summer Camp Standards,[2] which requires schools to:

- train students and staff on basic principles of emergency first aid, blood borne pathogens, infection control, hand washing practices, personal protective equipment, and COVID-19 symptoms;
- implement screening and admittance procedures for staff and students;
- require mandatory cloth face coverings for all individuals over two (2) years of age when social distancing cannot be adhered to;
- implement prevention and mitigation strategies to slow and limit COVID-19 exposure; and
- update policies and procedures related to COVID-19 (e.g., cleaning and disinfection policies).[3]

One of the key takeaways from the DOE guidance is that school districts and receiving schools are not required to conduct in-person instruction if either the school district or the receiving school concludes the educational program does not meet all of the New Jersey Department of Health Standards. The schools may opt to conduct summer programming, including ESY for students with disabilities, remotely or by a combination of remote and in-person instruction. If schools wish to operate any in-person programs, or a combination of in-person and remote programs, the school must submit an attestation to the New Jersey Department of Health no later than 24 hours prior to the anticipated opening date, attesting that it will follow all applicable health and safety standards.

The Department of Education guidance does not apply to the 2020-2021 academic year, and any school that wishes to conduct in-person programming has approximately three (3) weeks to overhaul its summer learning program in accordance with the Governor's Executive Orders and New Jersey Department of Health Standards. Should you require any assistance to ensure your program is in compliance, we would be happy to assist.

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[1] https://www.nj.gov/education/covid19/boardops/docs/SummerLearningResourceGuide_2020.pdf; https://www.nj.gov/education/broadcasts/2020/jun/12/Guidance%20for%20Summer%20Learning%20Programs.pdf

[2] https://www.nj.gov/health/ceohs/documents/phss/Youth_Day_Camps_Standards_COVID-19.pdf

[3] This list is not exhaustive.