A New Path on the Road Back: Schools Must Offer Full-Time Remote Learning

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Porzio Client Alert

The New Jersey Department of Education ("NJDOE") released supplementary guidance to the 104-page "Road Back: Restart and Recovery Plan for Education," which now requires all schools to offer all-remote/virtual instruction for students.

The "Road Back" still requires schools to offer some form of in-person instruction for the 2020-2021 academic year, but students shall have the option to receive full-time remote learning without penalty. Parents and guardians may request full-time remote instruction for "any service or combination of services that would otherwise be delivered on an in-person or hybrid schedule, such as instruction, behavioral and support services, special education and related services," and the school must accommodate the request. Any student participating in full-time remote learning must be afforded the same quality of education as students receiving in-person or hybrid instruction.

Schools must implement clear "policies and procedures" establishing, at a minimum: (1) deadlines for submission of requests; (2) expected timelines for approving requests; (3) information/documentation necessary for recordkeeping purposes; and (4) contact information for parents/guardians to submit questions and concerns. For students with disabilities, schools should review the student's IEP to determine if a meeting/amendment is necessary as a result of the full-time remote request. Once the request is granted, schools are permitted to set a minimum amount of a time a student must remain in remote learning before being eligible to transition to in-person instruction to prevent sudden changes to in-person class rosters. Schools will need to communicate these policies and procedures to the community, and report certain data to the NJDOE regarding the number of students participating in full-time remote learning. For your convenience, please find a link to the NJDOE supplemental guidance below:

https://nj.gov/education/reopening/updates/docs/7.24.20%20RtR%20Fulltime%20Remote%20Update.pdf

Schools will need to take care to update their 2020-2021 academic plans, policies and procedures to permit full-time remote learning for students. Please do not hesitate to contact us with questions you may have regarding implementation of these new requirements. Should you require any assistance to ensure your school is in compliance, we would be happy to assist.