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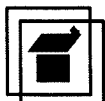
[See POLICY ALERT Nos. 225 and 229]

2425 EMERGENCY VIRTUAL OR REMOTE INSTRUCTION PROGRAM

The Board of Education is committed to providing a high quality educational program, virtually or remotely, in the event **the State or local health department determines that it is advisable to close, or mandates closure of, the schools of a school district due to a declared state of emergency, declared public health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure for more than three consecutive school days, the Superintendent shall have the authority to implement the school district's program of virtual or remote instruction, pursuant to N.J.S.A. 18A:7F-9** ~~a school or the schools of the district are required to close for more than three consecutive school days due to a declared state of emergency, declared public health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure. The district's virtual or remote program of instruction shall be in accordance with N.J.S.A. 18A:7F-9.~~ **In addition, pursuant to N.J.S.A. 18A:7F-9.b. the Commissioner of Education shall allow the district to apply to the 180-day requirement established pursuant to N.J.S.A. 18A:7F-9.a., 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.**

The school district's program of virtual or remote instruction shall be in accordance with the provisions of N.J.S.A. 18A:7F-9; N.J.A.C. 6A:32-13.1.; this Policy; and Regulation 2425.

"Remote instruction" means the provision of instruction occurring when the student and the instructor are in different locations due to the closure of the facility(ies) of the Board of Education, charter school, renaissance school project, or approved private school for students with disabilities. The closure of the facility(ies) shall be pursuant to N.J.S.A. 18A:7F-9 or 18A:46-21.1 and for more than three consecutive school days due to a declared state of emergency, a declared public health emergency, or a directive by the



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appropriate health agency or officer to institute a public health-related closure.

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“Virtual instruction” means the provision of active instruction when the student and the instructor are in different locations and instruction is facilitated through the internet and computer technologies due to the closure of the facility(ies) of the Board of Education, charter school, renaissance school project, or approved private school for students with disabilities. The closure of the facility(ies) shall be pursuant to N.J.S.A. 18A:7F-9 or 18A:46-21.1 and for more than three consecutive school days due to a declared state of emergency, a declared public health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure.

~~In the event the school district is required to close a school or the schools of the district for more than three consecutive school days due to a declared state of emergency, declared public health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure, the Commissioner of Education shall allow the district to apply to the 180-day requirement established pursuant to N.J.S.A. 18A:7F-9, 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 Education.~~

The Superintendent of Schools shall submit, with Board approval, the school district’s program of virtual or remote instruction to the Commissioner of Education ~~by no later than October 29, 2021 and, annually thereafter~~ **annually. If the Board is unable to complete and submit a proposed program of virtual or remote instruction to the Commissioner in accordance with the timeline established by the Commissioner and the school district is required to close its schools for a declared state of emergency, declared public-health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure, the Commissioner of Education may retroactively approve the program.**



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~~If provided under the district's A day of virtual or remote instruction, if provided instituted under the district's Commissioner of Education's approved program of virtual or remote instruction that has been approved by the Commissioner, of student attendance for a day of virtual or remote instruction; shall be accounted for in accordance with N.J.A.C. 6A:32-8.4 considered the~~

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~~equivalent of a full day of school attendance for the purposes of meeting State and local graduation requirements, the awarding of course credit, and other such matters as determined by the Commissioner of Education in accordance with the provisions of N.J.A.C. 6A:32-13.1(d).~~

Pursuant to N.J.A.C. 6A:32-13.1(b), if implemented by the Superintendent, ~~Any~~ the school district's program of virtual or remote instruction shall be provided to an enrolled ~~implemented for the general education~~ students, whether a general education student in preschool through grade twelve or a student with a disability aged three to twenty-one shall ~~provide the same educational opportunities to students with disabilities.~~ The school district shall provide students with a disability with the same educational opportunities provided to general education students to the extent appropriate and practicable. ~~Special education and R~~related services, including speech language services, counseling services, physical therapy, occupational therapy, and behavioral services, may be delivered to general education students and students with a ~~disability disabilities~~ through the use of electronic communication or a virtual or online platform, as appropriate and ~~as required by the student's Individualized Education Program (IEP), to the greatest extent practicable.~~

In the event the State or local health department determines it is advisable to close or mandates closure of the schools of the district due to a declared state of emergency, declared public-health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure, the Superintendent shall have the authority to implement the school district's program of virtual or remote instruction. The Superintendent shall consult with the Board prior to such decision, if practicable. The Superintendent shall ensure that students, parents, staff, and the Board are informed promptly of the Superintendent's decision.



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Nothing in N.J.S.A. 18A:7F-9.b., c., or d.; ~~and~~ this Policy; **and Regulation 2425** shall be construed to limit, supersede or preempt rights, privileges, compensation, remedies, and procedures afforded to public employees 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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In the event of the closure of a school or the schools of the district due to a declared state of emergency, declared public-health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure for a period longer than three consecutive school days:

1. District employees shall be entitled to compensation, benefits, and emoluments pursuant to the provisions of N.J.S.A. 18A:7F-9.e.(1) and (2).
2. The district shall continue to make payments of benefits, compensation, and emoluments pursuant to the terms of a contract with a contracted service provider in effect on the date of the closure as if the services for such benefits, compensation, and emoluments had been provided, and as if the school facilities had remained open pursuant to the provisions of N.J.S.A. 18A:7F-9.e.(3).
3. The district shall be obligated to make payments for benefits, compensation, and emoluments and all payments required pursuant to N.J.S.A. 18A:6-51 et seq., to an educational services commission, county special services school district, and a jointure commission, and under any shared services agreement and cooperative contract entered into with any other public entity pursuant to the provisions of N.J.S.A. 18A:7F-9.e.(4).



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4. An educational services commission, county special services school district, and a jointure commission shall continue to make payments of benefits, compensation, and emoluments pursuant to the terms of a contract with a contracted service provider or a shared services agreement in effect on the date of the closure as if the services for such benefits, compensation, and emoluments had been provided, and as if the school facilities had remained open pursuant to the provisions of N.J.S.A. 18A:7F-9.e.(4).

The provisions of N.J.S.A. 18A:7F-9.e.(1) through (4) and 1 through 4 above shall not apply to any employee whose weekly hours of work are reduced, and to whom unemployment benefits are provided, pursuant to a shared work program approved pursuant to the provisions of N.J.S.A. 43:21-20.3 et seq. A contracted

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service provider, educational services commission, county special services school district, or jointure commission shall notify the district with which it has entered into a contract to provide services of its intent to reduce the hours of work of its employees pursuant to a shared work program approved pursuant to the provisions of N.J.S.A. 43:21-20.3 et seq.

1. Notwithstanding the provisions of N.J.S.A. 18A:7F-9.e.(3) and 3. above, if a contracted service provider reduces the amount that it pays to its employees providing services to a school district, and that reduction is the result of a reduction of workhours of those employees made pursuant to a shared work program approved pursuant to the provisions of N.J.S.A. 43:21-20.3 et seq., then the amount paid by the district to the contracted service provider shall be reduced by the same amount.
2. Notwithstanding the provisions of N.J.S.A. 18A:7F-9.e.(4) and 4. above, if an educational services commission, county special services school district, or jointure commission reduces the amount that it pays to its employees providing services to a school district, and that reduction is the result of a reduction of workhours of those employees made pursuant to a shared work program approved pursuant to the provisions of N.J.S.A. 43:21-20.3 et seq., then the



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amount paid by the district to the educational services commission, county special services school district, or jointure commission shall be reduced by the same amount.

This Policy may be revised as necessary by the Superintendent in accordance with N.J.S.A. 18A:7F-9. The school district's emergency virtual or remote instruction program shall be **posted prominently available** on the school district's website.

N.J.S.A. 18A:7F-9

N.J.A.C. 6A:32-2.1; 6A:32-8.4; 6A:32-13.1

Adopted:



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[See **POLICY ALERT No. 228**]

5722 STUDENT JOURNALISM

The Board of Education believes it is important to afford students the opportunity to exercise their creativity, passion, and constitutionally-protected freedom of speech. However, the Board also believes this opportunity must be balanced between ensuring students have the right to speak freely while also preserving the ability of district staff to maintain the safe and orderly operation of the school district. The Board adopts this Policy granting students the right to exercise freedom of speech and of the press in accordance with N.J.S.A. 18A:36-44 and N.J.S.A. 18A:36-45.

For the purpose of this Policy, the following terms shall mean:

“Prior restraint” means a school official informing a student journalist(s) the news, opinion, feature, and advertising content of school-sponsored media, subject to the restrictions listed in N.J.S.A. 18A:36-45.b., N.J.S.A. 18A:36-45.c., and the provisions of this Policy, cannot be published in school-sponsored media or a school official takes any action to prevent a student from doing so.

“Prior review” means a school official reviewing school sponsored media before it is published, broadcast by a student journalist at school or distributed, or generally made available to members of the student body.

“School official” means the Principal or designee or an administrative staff member designated by the Superintendent.

“School-sponsored media” means any material that is prepared, substantially written, published, or broadcast by a student journalist at school, distributed or generally made available to members of the student body, and prepared under the direction of a student media advisor. School-sponsored media does not include media intended for distribution or transmission solely in the classroom in which the media is produced.



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“Student journalist” means a student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

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“Student media advisor” means an individual employed, appointed, or designated by the district to supervise or provide instruction relating to school-sponsored media.

Student journalists have the right to exercise freedom of speech and of the press in school-sponsored media, regardless of whether the media is supported financially by the district or by use of school district facilities, or produced in conjunction with a class in which the student is enrolled. Subject to 1. through 5. below, student journalists are responsible for determining the news, opinion, feature, and advertising content of school-sponsored media. N.J.S.A. 18A:36-45.b. and this Policy shall not be construed to prevent student media advisors from teaching professional standards of English and journalism to student journalists.

This Policy does not authorize or protect expression by a student that:

1. Is libelous or slanderous;
2. Constitutes an unwarranted invasion of privacy;
3. Is profane or obscene;
4. Violates Federal or State law; or
5. So incites students as to create a clear and present danger of the commission of an unlawful act, the violation of school district policies (e.g. 6360, 9700, 9720, and any other relevant policies), or the material and substantial disruption of the orderly operation of the school.

The district shall not authorize any prior restraint of any school-sponsored media except for the types of expression prohibited under N.J.S.A. 18A:36-45.c. and as listed in 1. through 5. above.



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A school official may implement a procedure for prior review of school-sponsored media. Any prior review of school-sponsored media required by the school official shall be communicated to the student journalist by the school official and be conducted within three school days after submission to the

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school official by the student journalist. If the school official cannot show the school-sponsored media is prohibited under N.J.S.A. 18A:36-45.c. and 1. through 5. above, within the three school days, the student journalist may release the school-sponsored media.

When a school official determines the restraint of student expression is necessary, the school official shall simultaneously identify at least one of the five prohibitions listed in 1. through 5. above under N.J.S.A. 18A:36-45.c. and in this Policy under which the limitation of student expression is appropriate. This determination shall be provided to the student journalist in writing by the school official that made the determination.

A student journalist may appeal, to the Superintendent or designee, a determination by a school official that the restraint of student expression is necessary. An appeal must be submitted in writing to the Superintendent or designee within five school days of the written determination being communicated to the student journalist. The appeal must include a copy of the written determination and the reasons why the student journalist believes the limitation is not appropriate. The Superintendent or designee may, but is not required to, provide the student journalist an opportunity to present their written appeal in person. The Superintendent or designee will make a determination on the appeal within five school days of receiving the written appeal from the student journalist. The student journalist may appeal a decision of the Superintendent or designee to the Board of Education in writing. The Board of Education will make a decision on the appeal at the first Regular Board Meeting after receiving the written appeal or within ten school days after receiving the written appeal.

A student journalist that violates a provision of this Policy may be subject to appropriate discipline.



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The school district shall not sanction a student operating as an independent journalist.

A staff member shall not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a student engaged in the conduct authorized under N.J.S.A. 18A:36-44 and N.J.S.A. 18A:36-45 and this Policy, or refusing to infringe upon conduct that is protected by this Policy, the First Amendment to the United States Constitution, or paragraph 6 of Article I of the New Jersey Constitution.

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The Superintendent or designee shall determine reasonable provisions for the time, place, and manner of student expression for the purposes of school-sponsored media.

N.J.S.A. 18A:36-44; 18A:36-45



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Adopted:

