

## **Public Notice**

### **Education**

#### **State Board of Education**

#### **Notice of Receipt of Petition for Rulemaking**

#### **Educational Facility Planning Standards**

#### **Educational Facilities**

#### **N.J.A.C. 6A:26-6.3**

Petitioner: Robert J. Chester, Esq.

**Take notice** that on June 9, 2022, the New Jersey State Board of Education (State Board) received a petition for rulemaking from the above petitioner, requesting the State Board of Education amend N.J.A.C. 6A:32-6.3.

The petitioner seeks amendments at N.J.A.C. 6A:26-6.3(b), which sets forth 13 general design and construction requirements that, along with the educational facility planning standards delineated at N.J.A.C. 6A:26-6.3(c) through (h) and the Uniform Construction Code (UCC), form the requirements for the design and construction of public schools. N.J.A.C. 6A:26-6.4 sets forth specific standards for school facilities housing preschool students.

The petitioner states the request is made pursuant to N.J.A.C. 1:30-4.1, the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015 (P.L. 115-141), and *Endrew F. v. Douglas County School District RE-1*, 137 S.Ct. 988 (580 U.S. \_\_\_\_ (2017)).

The petitioner's stated interest is the following: to ensure that every student is safe in school and receives the best free, appropriate public education (FAPE); to minimize any potential

for inequity in any form; to encourage educational innovation, accountability, and transparency; and to minimize procedural issues that may inadvertently incentivize unnecessary conflict.

The petitioner seeks to amend the general design and construction requirements for public schools to add new N.J.A.C. 6A:26-6.3(b)14 to include, in each classroom, video cameras with audio aimed at the teacher, recording and live streaming, as well as on-demand lessons, for the purposes of enabling sick students to participate remotely to avoid disease transmission, encourage greater transparency and better parental involvement, improve educational equity and accountability, and assist in teacher improvement efforts.

The petitioner also seeks to add new N.J.A.C. 6A:26-6.3(b)15 to require, in each classroom, video cameras with audio aimed at the students for the purposes of enabling police awareness and student safety in active shooter situations, improving educational equity and accountability, and assisting in teacher improvement efforts.

The petitioner further seeks to add new N.J.A.C. 6A:26-6.3(b)16 to require, in each special education classroom, video cameras with audio aimed at all parts of the room for the purposes of enabling police awareness and student safety in active shooter situations, preventing abuse of students who are unable to communicate that they are being abused, improving educational equity and accountability, and assisting in teacher improvement efforts.

The petitioner states that the request to require video cameras as part of the general design and constructions for public schools is necessary, in part, to avoid the deadly situation that occurred at Robb Elementary School in Uvalde, Texas. The petitioner also states that, if video cameras had been inside the classrooms at Robb Elementary School, parents with access would have been able to discern if their children were safe and law enforcement would have been able to view the location of the active shooter.

The petitioner also states that the requested amendments are necessary because classrooms can become incubators of diseases and that ripples through the economy. The petitioner further states that the best place for children to learn is in the classroom with an excellent teacher and their peers, and that fewer absences lead to better learning. The petitioner states that putting a camera in each classroom where a sick student can watch the lesson from home, and rewatch if necessary, is an opportunity for a sick day to turn into a learning day and is an excellent way to help students catch up at home, without any stigma of staying after school for extra help. The petitioner contends that this would provide educational equity. The petitioner also states that cameras in classrooms would allow parents to see what is being taught in their children's schools and that would help in terms of transparency and to reduce conflict.

The petitioner states that the requested amendment to require video cameras in special education classrooms is necessary because the petitioner contends that a review of due process petitions filed this year shows that incidents were cited to force students with disabilities out of their school districts against their will. The petitioner also contends that students were called "violent" in documentation that had to be taken as true because videos of the incidents do not exist.

The petitioner contends that the requested amendments should make it easier for students in more difficult socioeconomic situations, students with disabilities, and students who have medical issues to catch up, receive extra help, and not fall further behind. The petitioner also contends that any cost associated with school security upgrades should not be marginally significant and saving children's lives would far outweigh any associated costs.

The petitioner further contends that the requested amendments will lead to less disruption to New Jersey's economy because they will reduce parents getting sick and missing their jobs due to other children being sent to school even though they are sick.

**Full text** of the requested amendments are as follows (additions in boldface **thus**):

**6A:26-6.3 Educational facility planning standards**

- (a) (No change.)
- (b) General design and construction requirements shall be as follows:
  - 1. – 13. (No change.)
  - 14. Video cameras with audio in each classroom aimed at the teacher recording and live streaming, as well as on demand lessons (to enable sick students to remotely participate to avoid disease transmission, encourage greater transparency, better parental involvement, improve educational equity and accountability, and assist in teacher improvement efforts).**
  - 15. Video cameras with audio in each classroom aimed at the students (to enable police awareness and student safety in active shooter situations, improve educational equity and accountability, and assist in teacher improvement efforts).**
  - 16. Video cameras with audio in each special education classroom aimed at all parts of the room (to enable police awareness and student safety in active shooter situations, prevent abuse of students unable to communicate that they are being abused, improve educational equity and accountability, and assist in teacher improvement efforts).**

In accordance with N.J.A.C. 1:30-4.2, the State Board shall subsequently mail to the petitioner, and file with the Office of Administrative Law, a notice of action on the petitions.