



The Road Back

Restart and Recovery Plan for Education New Jersey Department of Education



Philip D. Murphy
Governor

Kevin Dehmer
Interim Commissioner

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Section: Supplementary

Guidance on Executive Order No. 175 (2020)

On August 13, 2020, Governor Phil Murphy signed Executive Order No. 175 (2020) ("EO 175"), which supersedes Executive Orders 104 (2020) and 107 (2020)'s requirement that all preschool, elementary and secondary public, private and parochial schools remain closed to students due to the COVID-19 public health emergency. EO 175 sets forth the requirements for the reopening of in-person instruction at public school districts, charter and renaissance schools, Approved Private Schools for Students with Disabilities (APSSDs), and nonpublic schools, while providing flexibility for those schools unable to meet the enumerated requirements for health and safety. Additional detail on those requirements is set forth below:

1. All public and private preschool, elementary and secondary schools that reopen for full or hybrid in-person instruction must meet the health and safety standards delineated in EO 175 and in the Department of Education's "Checklist for Re-Opening of School 2020-2021" and described in further detail in "The Road Back: Restart and Recovery Plan for Education."

In order to reopen for full or hybrid in-person instruction, all schools, including public school districts, charter and renaissance schools, APSSDs, and nonpublic schools are required to meet the health and safety standards set forth in the [Department's Checklist for Re-Opening of School 2020-2021 \("Checklist"\)](#). The health and safety standards include, but are not limited to, those items set forth specifically in Paragraph 2 of EO 175 and those items listed in the Checklist under the following headers:

- Classrooms, Testing, and Therapy Rooms
- Transportation
- Student Flow, Entry, Exit, and Common Areas
- Screening, PPE, and Response to Students and Staff Presenting Symptoms
- Contact Tracing
- Facilities Cleaning Practices
- Meals
- Recess/Physical Education



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More specific detail on the standards listed in EO 175 and the Checklist, and recommendations for meeting those standards, may be found in [The Road Back, supplemental guidance](#), and the [School Reopening Frequently Asked Questions](#).

2. All public and private preschool, elementary and secondary schools must create a reopening plan. Local Education Agencies (LEAs) and receiving schools must submit their reopening plan to the Department of Education.

LEAs (public school districts, charter and renaissance schools), and receiving schools pursuant to N.J.A.C. 6A:14-7.1, including Approved Private Schools for Students with Disabilities (APSSDs), must submit a reopening plan to the Department of Education at minimum thirty days prior to the first day of school, or as soon as practicable. LEAs and receiving schools that have already submitted such a plan pursuant to “The Road Back” will be considered to have satisfied this requirement if the Plan is consistent with the health and safety standards set forth in Paragraph 2 of EO 175 and described above in #1 of this guidance document. An LEA or receiving school that has already submitted a plan may also revise that plan in the event that it becomes unable to satisfy the health and safety requirements for in-person instruction in the future.

Nonpublic schools are required to create and maintain reopening plans but are not required to submit them to the Department of Education.

“The Road Back” includes as an anticipated minimum standard that school districts create Restart Committees to coordinate the overall reopening plan that should include district- and school-level administrators, school board members or charter trustees, local education association representatives, educators, parents, and students. However, the approval of the reopening plan by the district board of education or board of directors or board of trustees of the charter or renaissance school or APSSD, is not required prior to submission to the Department of Education.

3. All public and private preschool, elementary and secondary schools are required to certify to the Department of Education that they can meet the health and safety standards outlined in EO 175, which were previously delineated in the Checklist and further detailed in “The Road Back,” prior to resuming any in-person instruction.

A minimum of seven days prior to the first day of school, and prior to resuming in-person instruction and/or related services for any student or group of students, the chief school administrator of a public school district, charter or renaissance school, or APSSD, or his/her designee, must certify to the Department of Education that



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the school or district has policies and procedures in place to meet the minimum health and safety standards set forth in Paragraph 2 of EO 175 and described in #1 above.

Nonpublic schools that intend to resume full-time or hybrid in-person instruction and/or related services for any student or group of students must also certify to the Department of Education that the school has policies and procedures in place to meet the minimum health and safety standards set forth in the EO and described in #1 above.

All districts and schools must use the Department of Education's [Statement of Assurance form](#) to meet this requirement.

4. LEAs and receiving schools that are able to satisfy the health and safety protocols shall open to students for full-time or hybrid in-person instruction in the Fall. Public schools unable to adequately meet health and safety reopening protocols may delay reopening for in-person instruction for some or all grades or facilities but must provide remote instruction to students that will not receive in-person instruction and submit the Health and Safety Status Form set forth in #5 below.

LEAs and receiving schools that are able to satisfy the required health and safety standards must resume hybrid or full-time in-person instruction during the fall of school year 2020-2021.

LEAs and receiving schools that resume hybrid or full-time in-person instruction shall permit students to engage in full-time remote learning upon the request of a parent or guardian subject to EO 175, Paragraph 6 and the Department's July 24, 2020 supplemental guidance, "[Clarifying Expectations Regarding Full-time Remote Learning Options for Families in 2020-2021](#)." Public schools must meet the remote learning standards set forth in that supplemental guidance.

LEAs and receiving schools that are or become unable to satisfy the health and safety requirements for in-person instruction, as detailed in Paragraph 2 of EO 175 and #1 above, may delay reopening for in-person instruction and provide full-time remote instruction to all students pursuant to N.J.S.A. 18A:7F-9. Those entities will be required to submit the Health and Safety Status Form set forth in #5 below.

LEAs or receiving schools that are or become unable to offer in-person instruction for all students due to an inability to satisfy the health and safety standards may offer in-person instruction and related services to those students for whom it is most educationally beneficial, provided that the health and safety standards detailed in Paragraph 2 of EO 175 and #1 above can be satisfied for those students.



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5. LEAs or receiving schools that do not offer in-person instruction in the Fall to any group of students due to an inability to satisfy the health and safety requirements for in-person instruction are required to submit the Health and Safety Status Form to the Department of Education.

LEAs and receiving schools that do not open all grade levels, programs, or facilities to students for in-person instruction due to an inability to satisfy the health and safety requirements for in-person instruction must submit the Department of Education's [Health and Safety Status Form](#) no later than seven (7) days prior to the first day of school, or as soon as practicable. That form will require public schools to specify: the school building(s) or grade level(s) within the district that will provide full-time remote instruction; which health and safety standard(s) the district is unable to satisfy; the anticipated efforts that will be taken to satisfy each unmet standard(s); and a date by which the school anticipates resuming in-person instruction.

Executive County Superintendents (ECSs) will request periodic updates from the chief school administrator of any public school that does not open for in-person instruction to demonstrate that the school district is actively engaged in good-faith efforts towards the resumption of in-person instruction.

6. The EO sets forth minimum instructional standards for both in-person and remote instruction for the 2020-2021 school year, in addition to any other requirements imposed by Order, statute, or regulation.

The specific standards set forth by EO 175 include the following minimum requirements for in-person and remote instruction for LEAs and receiving schools:

- a. A school day, whether in-person or remote, must consist of at least four (4) hours of active instruction to students by an appropriately certified teacher, except that one continuous session of two and one-half hours may be considered a full day in kindergarten, pursuant to N.J.A.C. 6A:32-8.3.
- b. District and school policies for attendance and instructional contact time will need to accommodate opportunities for both synchronous and asynchronous instruction, while ensuring the requirements for a 180-day school year are met pursuant to N.J.S.A. 18A:7F-9.
- c. All instructional time shall be provided in accordance with the New Jersey Student Learning Standards.

These minimum instructional standards do not apply to nonpublic schools.



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- 7. All schools required to participate in the National School Lunch and Breakfast Program and those that voluntarily opt-in to those programs must offer required meals to all children on remote-learning days and in-person instruction days consisting of at least four hours.**

All schools participating in the National School Lunch and Breakfast Programs, whether public or private, regardless of whether they are required to participate or voluntarily opt in to the programs, must offer the required meals to all children, regardless of eligibility, when the school day involves at least four hours of in-person or remote instruction. For more information, please refer to the Department of Agriculture's August 7, 2020 memorandum, "[Meal Service During All Phases of Reopening During the 2020-2021 Academic School Year.](#)"

- 8. Student growth data from standardized assessments will not be used for educator evaluations for the 2020-2021 school year.**

The cancellation of statewide assessments for the Spring 2020 testing window pursuant to Executive Order No. 117 (2020) resulted in reduced availability of data regarding student achievement and performance. Due to the lack of standardized assessment data for the 2019-2020 school year, it will not be possible to measure student growth through multiple objective measures from the 2019-2020 school year as a measure for overall educator evaluations as required by N.J.S.A. 18A:6-123(b)(2) and (4). Therefore, for the 2020-2021 school year, EO 175 waives N.J.S.A. 18A:6-123(b)(2) and (4) and student growth data based on standardized assessment or student growth percentile shall not be used as a measure of educator effectiveness in the overall evaluation of any educator. The Department will provide more detail on educator evaluations for the 2020-2021 school year in forthcoming guidance.