

May 4, 2020

ASSEMBLY BILL NO. 3813
(First Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I herewith return Assembly Bill No. 3813 (First Reprint) without my approval.

This bill would permit school districts, charter schools, county vocational school districts and county special services school districts to meet the 180-day school year requirement through virtual or remote instruction whenever schools are required to close for more than three consecutive days due to a declared state of emergency, a declared public health emergency, or a directive by the appropriate local health officer or agency, provided the program of virtual or remote instruction satisfies criteria established by the Department of Education ("Department"). In the case of an approved private school for students with disabilities that is required to close, the days of virtual or remote instruction would be counted as days of instruction for the purposes of calculating tuition, provided the program of virtual or remote instruction satisfies criteria established by the Department. The bill also would entitle public school employees covered by a collective bargaining agreement to the compensation, benefits and emoluments provided for in the collective bargaining agreement, as if the school remained open.

The bill was introduced and passed by the Assembly on March 16, 2020 and by the Senate on March 19, 2020. It was one of several bills that was introduced and quickly moved through the Legislature in response to the emerging COVID-19 public health emergency. I applaud the bill's sponsors for taking quick and decisive action to assist New Jersey's schools and educators in the transition to home instruction. The bill supported and

expanded upon home instruction guidance documents issued by the Department in early March.

Since then, however, similar legislation was passed and signed into law, obviating the need for this bill. P.L.2020, c.27, signed into law on April 14, 2020, is the product of significant collaboration between my Administration and our partners in the Legislature. P.L.2020, c.27 contains a more comprehensive authorization of virtual or remote learning in the provision of special education and related services. While Assembly Bill No. 3813 (First Reprint) singled out speech therapy and counseling services as special education services that could be delivered remotely, P.L.2020, c.27 contains a broad authorization for all "special education and related services" to the greatest extent possible. Additionally, P.L.2020, c.27 clarifies that renaissance school projects are included in the list of schools and school districts permitted to meet the 180-day school year through virtual or remote instruction and provides boards of education with greater involvement in the implementation of a district's virtual learning plan.

Accordingly, I herewith return Assembly Bill No. 3813 (First Reprint) without my approval.

Respectfully,

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor