



New Guidance on Requirements for Public Health-Related School Closures

On March 5, 2020, the New Jersey Department of Education issued its third guidance in as many days regarding requirements for public health-related school closures in response to the 2019 novel coronavirus.* The Department outlined a process by which school boards may be able to meet the 180 school-day requirement found in N.J.S.A. 18A:7F-9. In reversing its prior historical position that school boards must have at least 180 days of school each year, the Department said it will permit school boards to develop plans for providing educational services remotely to their students in the event of a public health emergency. So long as all students have equitable access to home instruction pursuant to approved plans, school boards will receive credit for those days toward the requisite 180. To be eligible, the State or applicable local health departments must issue an emergency closure and the school board must develop a plan that:

1. Provides district-wide home instruction in the event of a health emergency;
2. Addresses child nutrition needs;
3. Addresses educational services for students with disabilities, including those receiving special education services and Section 504 accommodations; and
4. Has been submitted to and approved by the applicable Executive County Superintendent of Schools.

As in all health emergency situations, pre-planning and coordination with State and local health departments is essential. Ongoing information from the New Jersey Department of Health regarding coronavirus and school facilities may be obtained from its website at:

https://www.nj.gov/health/cd/topics/covid2019_schoolbusiness.shtml

School boards are already required to have school safety and security plans that include appropriate protocols with State and local health departments pursuant to N.J.A.C. 6A:16-5.1. Those plans should be reviewed, and school officials should determine what, if any, modifications are required in order to address the current coronavirus concerns. Considerations may range from the impact that mandated closures would have on staff, the school community and the availability of home and school resources. School officials may wish to take the time now to survey parents to determine the scope and availability of home internet connectivity and applicable equipment. It is possible that the plans of some school boards already anticipate this potential need and no modifications is necessary at this time. Of course, to the extent that school

*<https://www.nj.gov/education/broadcasts/2020/mar/05/Guidance%20Regarding%20Requirements%20for%20Public%20Health-Related%20School%20Closure.pdf>

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officials choose, for whatever reason, not to deliver home instruction in the manner contemplated by the Department, they could simply seek to close schools and add days to the calendar.

It is also imperative that school officials review their collective negotiations agreements and work closely with their respective employee associations on a variety of labor-related issues that may arise. Issues to be reviewed may include, but are certainly not limited to, whether doctor notes will be required if an employee is quarantined as a result of State or local guidance, sick leave requirements, the impact of closure on stipend or hourly positions, and the implications on family and medical leave requirements.

Federal, State and local guidance has been extremely dynamic over the last week or so and The Busch Law Group is monitoring these updates on a daily basis. Should you have any questions regarding legal issues implicated by the coronavirus, the firm's attorneys are available to assist you.

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