



BAYONNE PUBLIC SCHOOLS
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Dear Governor Phillip Murphy,

On behalf of the City of Bayonne School District I write to you to implore you to change P.L. 2020,c.27. : The law for the continuity of instruction. As you can ascertain from the below information from that specific law and the New Jersey Department of Education guidance the law and guidance is flawed when emergencies occur.

I would like to draw your attention to the recent declaration of emergency that you declared on Monday, October 25, 2021 through Tuesday, October 26, 2021. A major storm was due to strike the State of New Jersey. In preparation for the storm you declared a State of Emergency for the entire State of New Jersey and the City of Bayonne in conjunction with Mayor James Davis declared a state of emergency as well.

The school district closed for the school day on October 26, 2021 in the abundance of safety and security of our 10,000 students. We could not choose a remote learning option (since the emergency did not last more than 3 days). I tried in vain to advocate for a remote option for our school district to the Department of Education - to no avail. I implore you to reconsider the option for school districts to choose a remote option when our cities and towns in conjunction with the State of New Jersey declare a state of emergency.

Governor Murphy, it makes sense to allow students to remain learning in their homes during a declared state of emergency - we have the technology for all of our learners to do so. Why not have a full day of remote instruction safe in your home during a declared state of emergency - rather than have students extend the school year on a ½ day at the end of June? While I am proud of our teachers and students - I think we all know what the last day of school looks like - let's keep students engaged during the school year at all times. The traditional snow day can still be an option however, we must adapt to the ever changing landscape of our technological capabilities.

For your edification see below from the New Jersey Department of Education

“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. 13 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. 11. All school district”

“The Department appreciates the challenges that LEAs had to overcome during the 2020-2021 SY as they faced a myriad of decisions affecting both the safety of their students and staff as well as the instructional experience. The Department is encouraging LEAs to reflect upon their experiences with virtual and remote instruction when planning for the 2021-2022 SY. In April 2020, Governor Murphy issued an executive order that became P.L.2020, c.27. This law provides for the continuity of instruction in the event of a public-health related district closure so that LEAs can utilize virtual or remote instruction to satisfy the 180-day requirement pursuant to N.J.S.A. 18A:7F-9. In order to provide transparency and ensure that New Jersey students continue to receive high quality, standards-based instruction, each school district, charter school, renaissance school project and Approved Private School for Students with Disabilities (APSSDs)

must annually submit its proposed program for virtual or remote instruction (plan) to the Commissioner of Education. This plan would be implemented during a district closure lasting 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. A superintendent must consult with the board of education, if practicable, prior to implementing the school district’s plan of virtual or remote instruction. A day of virtual or remote instruction, if instituted under a plan approved by the Commissioner of Education, is considered the equivalent of a full day of school attendance for the purposes of meeting State and local graduation requirements, awarding of course credit, and such other matters as determined by the Commissioner of Education.”

Governor Murphy, please respect our pleas for a change to P.L. 2020,c.27. The law for the continuity of instruction should allow schools the discretion to switch to remote instruction if there is a State of Emergency declared in our respective cities and towns.

If you have any questions, comments or concerns do not hesitate to contact me. I would be happy to consult with your team. I do have a background in law enforcement, crisis management and education so I think I could be of some help.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'John J. Niesz', with a stylized flourish at the end.

John J. Niesz
Superintendent of the Bayonne School District