



# Laws of the 217th Legislative Session Impacting Education, Students, School Leaders, and Schools (Session Ending January 8, 2018)

## **Certification**

**P.L.2017, c.70 (A-1256)**

**Sponsor:** Caride (D36)

**Summary:** Requires State Board of Education regulations regarding school nurse certification to include certain minimum eligibility requirements.

**Date Signed:** 5/11/2017

**Effective Date:** 5/11/2017

**Impact on Schools:** The new law restores prior certification requirements for school nurses. The law was prompted by a State Board of Education's decision in 2013 to reduce the minimum certification requirements in order to address a school nurse shortage. That regulatory change, codified at *N.J.A.C. 6A:9-13.3* and *6A:9A-13.4*, reduced the credit requirements for a school nurse endorsement from 30 to 21 semester hour credits, and reduced the credit requirements for a non-instructional school nurse endorsement from 21 to 15 semester hour credits. The regulatory amendments also eliminated the requirement that a candidate complete a minimum of 6 credits in a college supervised school nurse practicum, half of which is completed in a school nurse office and the balance of which is completed in a classroom.

The new law codifies the minimum hours as required by the 2013 regulations, but reinstates the previous requirement that a candidate for a school nurse endorsement must complete a college-supervised school nurse practicum experience in a school

nurse office and a classroom. The law also requires school nurse endorsement candidates and non-instructional school nurse endorsement candidates to complete coursework in the fundamentals of substance abuse and dependency, as well as any other subject area deemed appropriate by the State board.

**NJPSA Position:** Support

## **College and Career Readiness**

**P.L.2017, c.170 (A-4088)**

**Sponsor:** Schaer (D36)

**Summary:** Establishes "High School to College Readiness Commission" to examine issues and develop recommendations to enhance student preparation for postsecondary education.

**Date Signed:** 7/21/2017

**Effective Date:** 7/21/2017

**Impact on Schools:** The law establishes a High School to College Readiness Commission. Under the law, the commission will consist of 18 members including: the Commissioner of Education, the Secretary of Higher Education, and the Executive Director of the Higher Education Student Assistance Authority, or their designees; 11 members appointed by the Governor, including a representative of the New Jersey School Boards Association, a representative of the New Jersey Principals and Supervisors Association, a representative of the New Jersey Association of School

Administrators, two representatives of the New Jersey Education Association, two representatives of the American Federation of Teachers New Jersey, a representative of the New Jersey Parent-Teacher Association, a representative of the New Jersey Council of County Vocational-Technical Schools, and two parents of students enrolled in a public school; two members appointed by the President of the Senate, including a representative of the State colleges and universities, and a representative of the public research universities; and two members appointed by the Speaker of the General Assembly, including a representative of the county colleges, and a representative of the independent institutions of higher education.

The commission is to study and develop recommendations on issues related to enhancing student preparation for post-secondary education and raising the awareness of students and parents on the admission requirements and other issues associated with postsecondary education, including:

- the development of guidelines for high school students to create individual graduation plans which identify the courses necessary to meet State and local graduation requirements and college admission requirements;
- the expansion of access to advanced placement courses to increase the number of high school students who have the opportunity to earn college credit while enrolled in high school; and

- the early identification of students who are at risk of not being college-ready by the time of high school graduation, and the development and implementation of effective support services and remediation to provide those students with the necessary skills.

The law directs the commission to issue a final report of its findings and recommendations to the Governor and the Legislature no later than one year after its organizational meeting. The commission will expire 30 days after the submission of the final report.

**NJPSA Position:** Support

## Curriculum and Instruction

### **P.L.2017, c.171 (A-4175)**

**Sponsor:** Caride (D36)

**Summary:** Requires Commissioner of Education to develop guidance on identifying English language learners for gifted and talented programs.

**Date Signed:** 7/21/2017

**Effective Date:** 7/21/2017

**Impact on Schools:** The law directs the Commissioner of Education to develop guidance for school districts regarding the identification of English language learners for gifted and talented programs. The purpose of the guidance is to:

- 1) assist districts in identifying English language learners in Grades kindergarten through 12 who are gifted and talented in order to match them with programs that will help them achieve in accordance with their full capabilities; and
- 2) provide guidelines on appropriate identification methods that may help reduce the under representation of English language learners in gifted and talented programs.

The guidance shall include, but not be limited to, information on:

- recognizing and addressing potential challenges in the process of identifying English language learners who are gifted and talented;
- the use of multiple methods and measures in assessing the eligibility of English language learners for gifted and talented programs; and

- the importance of professional development for and collaboration among teachers in the identification process.

**NJPSA Position:** Support

### **P.L.2017, c.303 (S-2485)**

**Sponsor:** Diegnan (D18)

**Summary:** Requires school districts to offer course in computer science and DOE to adopt changes to NJ Student Learning Standards in computer science.

**Date Signed:** 1/16/2018

**Effective Date:** 1/16/2018

**Impact on Schools:** The new law requires schools districts to offer computer science classes beginning in the 2018-2019 school year. This is already a requirement under New Jersey's Learning Standards (standards). The law also mandates that the State Board of Education make any necessary changes to the standards in light of the current review process underway at the Department.

**NJPSA Position:** Support

### **P.L.2017, c.374 (A-4165)**

**Sponsor:** Chapparo (D33)

**Summary:** Requires driver education course, certain new driver brochures, and driver's license written exam to include cyclist and pedestrian safety information.

**Date Signed:** 1/16/2018

**Effective Date:** 8/1/2018

**Impact on Schools:** The law requires the curriculum guidelines for approved classroom driver education courses and the informational brochure distributed by the MVC to the parents and guardians of beginning drivers under the age of 18 include information concerning operating a motor vehicle in a manner that safely shares the roadway with pedestrians, cyclists, skaters, riders of motorized-scooters, and other non-motorized vehicles. The curriculum guidelines and informational brochure are to include, but not be limited to, passing a cyclist on the roadway, recognizing bicycle lanes, navigating intersections with pedestrians and cyclists, and exiting a vehicle without endangering pedestrians and cyclists.

The law further provides that the written examination, which must be passed in order to be issued a basic driver's license, special learner's permit, or examination permit, must include questions on cyclist

and pedestrian safety, and the MVC may include these questions as part of the 20 questions that may be added to the exam on subjects to be determined by the MVC that are of particular relevance to youthful drivers.

**NJPSA Position:** Neutral

## Discipline

### **P.L.2016, c.45 (S-2081)**

**Sponsor:** Ruiz (D29)

**Summary:** Limits expulsions and suspensions for students in preschool through Grade 2 with certain exceptions; requires early detection and prevention programs for behavioral issues in preschool through Grade 2.

**Date Signed:** 9/6/2016

**Effective Date:** Beginning of the current school year (2016-2017 school year)

**Impact on Schools:** The new law amends *N.J.S.A. 18A:36A-9* to place limits on expulsions for students enrolled in preschool through second grade in a school district or charter school. Under the new law, students in kindergarten through second grade may not be expelled or suspended from school, except as provided pursuant to the "Zero Tolerance for Guns Act," *P.L.1995, c.127 (C.18A:37-7 et seq.)*. The law also prohibits out-of-school suspensions for students in kindergarten through second grade, except when the suspension is based on conduct that is of a violent or sexual nature that endangers others.

In addition, the law requires school districts and charter schools to implement an early detection and prevention program to identify students in preschool through Grade two who are experiencing behavioral or disciplinary problems, and provide behavioral supports for these students, which may include, but need not be limited to, remediation of problem behaviors, positive reinforcements, supportive interventions, and referral services. An early detection and prevention program may be incorporated into the system of intervention and referral services that is required to be established in each school under current State Board of Education regulations at *N.J.A.C. 6A:16-8.1* to *8.2*.

**NJPSA Position:** Support

## Election

### P.L.2016, c.27 (S-2099)

**Sponsor:** Vitale (D19)

**Summary:** Places a two-year moratorium on moving date of Type II school district's annual school election from day of general election in November back to third Tuesday in April; creates study commission.

**Date Signed:** 8/18/2016

**Effective Date:** 8/18/2016

**Impact on Schools:** The new law removes the provision in law that permitted a Type II school district to move the date of its annual school election from the day of the general election in November back to the third Tuesday in April. Rather, if the date of a school district's annual election has been moved to the date of the general election, it must remain in November.

**NJPSA Position:** Neutral

### P.L.2017, c.219 (A-4206)

**Sponsor:** Karabinchak (D18)

**Summary:** Requires candidates for election to school board to file with their nominating petitions specific affirmation that they have not been convicted of crimes that would disqualify them from office.

**Subject:** School Boards & Districts

**Date Signed:** 8/7/2017

**Effective Date:** 7/1/2018

**Impact on Schools:** The law expands current law on disqualification from service on a school board to candidates for election to the office of school board member. The law requires candidates to affirm on their nominating petition that they have not been convicted of any of the disqualifying crimes listed pursuant to N.J.S.A.18A:12-1.

**NJPSA Position:** Support

## Health and Physical Education

### P.L.2016, c.46 (A-2292)

**Sponsor:** Vainieri Huttle (D37)

**Summary:** Requires review of Core Curriculum Content Standards to ensure guidance for substance abuse instruction provided to public school students incorporates most recent evidence-based standards and practices.

**Date Signed:** 9/6/2016

**Effective Date:** 9/6/2016

**Impact on Schools:** The new law requires the New Jersey Department of Education (NJDOE) to ensure that guidance for substance abuse instruction incorporate the most recent evidence-based standards and practices. Under the new law, the Department is directed to issue a report within 120 days (or by January 3) determining whether the content standards incorporate the most recent evidence-based standards and practices. If the Department determines that the content standards need to be revised, the Department is required to propose the revisions to the State Board of Education within 12 months of the report's submission.

**NJPSA Position:** Support

### P.L. 2017, c.7 (S-1830)

**Sponsor:** Rice (D28)

**Summary:** Requires DOH regulations regarding elevated blood lead levels in children, and appropriate responses thereto, to be consistent with latest Centers for Disease Control and Prevention recommendations.

**Date Signed:** 2/6/2017

**Effective Date:** 2/6/2017

**Impact on Schools:** The new law amends State statute related to childhood lead poisoning to require that Department of Health (DOH) regulations regarding testing for, and responses to, elevated blood lead levels in children be consistent with the most recent recommendations of the federal Centers for Disease Control and Prevention (CDC). The law also requires DOH to biennially review and revise its rules and regulations to ensure that they comport with the latest CDC guidance. In addition, the law requires DOH to promulgate regulations concerning the responsive action to be taken when a child's blood lead level tests above the CDC benchmark, including performing environmental follow-up, providing notice to the child's family, performing additional screening of family members, providing case management services, and providing medical treatment, such as chelation therapy.

Finally, the law requires DOH to develop a DOH public information campaign on lead screening to:

1) highlight the importance of lead screening and encourage parents to have their

children screened for lead poisoning at regular intervals, consistent with the age-based timeframes established by DOH; and

2) provide for the widespread dissemination of information to parents and health care providers on the dangers of lead poisoning, the factors that contribute to lead poisoning, the recommended ages at which children should be tested for lead poisoning, and the elevated blood lead levels that will necessitate responsive action.

**NJPSA Position:** Support

### P.L.2017, c.132 (S-2819)

**Sponsor:** Sweeney (D3)

**Summary:** Creates "Nourishing Young Minds Initiative Fund" in Dept. of Agriculture to help pay for child food and nutrition programs.

**Date Signed:** 8/15/2017

**Effective Date:** 8/15/2017

**Impact on Schools:** The law establishes a non-lapsing revolving fund in the Department of Agriculture to be known as the "Nourishing Young Minds Initiative Fund," all monies of which shall be appropriated annually by the Legislature, federal and other grants received by the State, and any other monies made available for the purposes of the fund are to be deposited in the fund. Monies in the fund may be invested, and interest or other income earned on these investments would be credited to the fund. Monies in the "Nourishing Young Minds Initiative Fund" are to be used by the Department of Agriculture to provide support and funding to child food and nutrition programs in the State, which could include:

- 1) funding outreach and programmatic support by the Department of Agriculture, Department of Education, or community-based organizations;
- 2) providing small grants to fund one-time startup or expansion costs of "breakfast after the bell" programs; and
- 3) providing small grants to fund one-time startup or expansion costs of summer nutrition programs.

Funding would be prioritized for award to districts or schools with the highest number of eligible students and lowest participation in the school breakfast program.

**NJPSA Position:** Support

## **P.L.2017, c.167 (A-3944)**

**Sponsor:** Mazzeo (D2)

**Summary:** Requires DOE to develop educational fact sheet for distribution to parents of student-athletes and cheerleaders concerning use and misuse of prescription opioids.

**Date Signed:** 7/21/2017

**Effective Date:** 7/21/017

**Impact on Schools:** The law requires the Commissioner of Education, in consultation with the Commissioner of Health, to develop an educational fact sheet that provides information concerning the use and misuse of opioid drugs in the event that a student-athlete or cheerleader is prescribed an opioid for a sports-related injury. The law requires school districts and nonpublic schools that participate in interscholastic sports or cheerleading programs to distribute the fact sheet annually to the parents or guardians of student-athletes and cheerleaders, and to obtain a signed acknowledgement of the receipt of the fact sheet by the student and his parent or guardian.

**NJPSA Position:** Neutral

## **P.L.2017, c.210 (A-3056)**

**Sponsor:** Taliaferro (D3)

**Summary:** Requires DEP to establish voluntary guidelines for K-12 schools and institutions of higher education to reduce, recover, and recycle food waste; extends "Food Bank Good Samaritan Act" immunity protections to public and nonpublic schools.

**Date Signed:** 8/7/2017

**Effective Date:** 8/7/2017

**Impact on Schools:** The law requires the DEP, in consultation with the DOA, the DOE, the DOH, and the Office of the Secretary of Higher Education, to establish, or partner with appropriate nonprofit organizations to establish, voluntary guidelines for K-12 schools and institutions of higher education to reduce, recover, and recycle food waste. The DEP, the DOE, and the Office of the Secretary of Higher Education are required to post the guidelines on their Internet websites. The law also amends the "Food Bank Good Samaritan Act" to extend legal immunity to public and non-public schools that donate food that appears to be fit for human consumption at the time it is donated to a nonprofit organization. Institutions of higher education already receive such immunity under current law.

**NJPSA Position:** Support

## **P.L.2017, c.213 (A-3058)**

**Sponsor:** Space (R24)

**Summary:** Establishes Farm to School Coordinating Council.

**Date Signed:** 8/7/2017

**Effective Date:** 8/7/2017

**Impact on Schools:** The new law establishes the Farm to School Coordinating Council in the Department of Agriculture. The council will consist of five members: the Secretary of Agriculture, or the secretary's designee; the Commissioner of Education, or the commissioner's designee; and three members of the public who have experience working with the New Jersey Farm to School Program, appointed by the Governor, one upon the recommendation of the President of the Senate and one upon the recommendation of the Speaker of the General Assembly.

The council is to examine all areas of the New Jersey Farm to School Program and identify any outstanding issues or problems that need to be resolved and areas in need of improvement. The council is to focus on the procurement process relating to the purchase of agricultural products by schools from New Jersey farmers, and recommend ways to increase the participation of both farmers and schools in the program. The council will also make recommendations on ways to promote and increase the use of fresh farm foods at schools throughout the State. The council, within one year after its first meeting, is to prepare and submit a written report to the Governor and to the Legislature with its findings, conclusions, and recommendations. Copies of the report must be posted on the Internet websites of the Department of Agriculture and the Department of Education.

**NJPSA Position:** Support

## **P.L.2017, c.284 (S-293)**

**Sponsor:** Vitale (D19)

**Summary:** Prohibits use of smokeless tobacco in public schools.

**Date Signed:** 1/16/2018

**Effective Date:** 4/1/2018

**Impact on Schools:** The law prohibits the use of smokeless tobacco in any area of any building of, or on the grounds of, any public school and requires the board of education of each school district to ensure the placement, in every public entrance to a public school building in its district, of a sign indicating that the use of smokeless tobacco is prohibited in the school.

The penalties for using smokeless tobacco in violation of the new law would be a fine of not less than \$250 for the first offense, \$500 for the second offense, and \$1,000 for each subsequent offense. However, these fines are not applicable to a student who violates the law. In the case of a student, he or she is prohibited by the board of education of the district from participation in all extracurricular activities, including interscholastic athletics, and the revocation of any student parking permit that the student may possess. A board of education is required to adopt a policy that establishes the length of the suspension or revocation imposed on a student for an initial or subsequent violation.

Under the law, in the event that the local board of health, or a similar entity, receives a written complaint, or has reason to suspect, that a public school is in violation of the new law's provisions, then the board of health must provide written notification to the board of education and order appropriate action be taken. The board of education is subject to a fine in the event that it fails to comply with the order.

**NJPSA Position:** Neutral

## **P.L.2017, c. 381 (A-4467)**

**Sponsor:** Mazzeo

**Summary:** Clarifies that authorized persons and entities may administer a single dose of any opioid antidote, or multiple doses of any intranasal or intramuscular opioid antidote to overdose victims, with immunity under "Overdose Prevention Act."

**Date Signed:** 1/16/2018

**Effective Date:** 1/16/2018

**Impact on Schools:** The new law permits an individual authorized to administer an opioid antidote to an overdose victim, pursuant to the Overdose Prevention Act (OPA), to administer, with full immunity:

- a single dose of any type of opioid antidote that has been approved by the federal Food and Drug Administration (FDA) for use in the treatment of an opioid overdose; and
- up to three doses of an opioid antidote that is administered through intranasal application, or through an intramuscular auto-injector, as may be necessary to revive the victim.

The law specifies that prior consultation with, or approval by, a third-party physician or other medical personnel is not required

for an authorized person or entity to administer up to three doses of an opioid antidote, through intranasal application, or through an intramuscular auto-injector, to the same overdose victim.

The law also clarifies certain definitions in the OPA to include reference to certain persons and entities that were not previously specified therein. Specifically, the law provides that the term 'emergency medical responder' includes, but is not limited to, emergency medical technicians, paramedics, and fire fighters; and that the term 'emergency medical response entity' includes, but is not limited to, first aid, ambulance, and rescue squads, basic life support and advanced life support ambulance squads, air medical service providers, and fire-fighting squads.

**NJPSA Position:** Neutral

### **P.L.2017, c.387 (A-4906)**

**Sponsor:** Lampitt (D6)

**Summary:** Requires public and nonpublic schools to notify students and parents of availability of summer meals programs and locations where meals are served.

**Date Signed:** 1/16/2018

**Effective Date:** 1/16/2018

**Impact on Schools:** This law requires school districts and nonpublic schools to notify each student enrolled in the school district or nonpublic school, and the student's parent or guardian, of the availability of, and criteria of eligibility for, the summer meals program and the locations in the local school district where the summer meals are available. Notification must be made by distributing flyers provided by the Department of Agriculture, which the law directs the department to develop and distribute to each school district and nonpublic school in the State. Additionally, the school districts and schools are permitted to provide electronic notice of the information through the usual means by which the school district or school communicates with parents and students electronically.

**NJPSA Position:** Support as an existing requirement

## **Human Resources**

### **P.L.2017, c.346 (A-492)**

**Sponsor:** Russo (R-40)

**Summary:** Protects employee rights to ownership and usage of employee inventions developed entirely on employee's own time and without using employer's resources.

**Date Signed:** 1/16/2018

**Effective Date:** 4/1/2018 and applies to any collective bargaining agreement after that date

**Impact on Schools:** The law prohibits an employment contract between an employee and employer that requires the assignment by the employee of any employee invention developed entirely on the employee's own time and without using the employer's resources. However, this prohibition does not apply to any invention that relates to the employer's business or actual or demonstrably anticipated research or development, or results from any work performed by the employee on behalf of the employer. To the extent that any provision in an employment contract applies, or intends to apply, to any employee invention falling under the scope of the law, that provision is deemed against the public policy of this State and therefore unenforceable.

**NJPSA Position:** Support

## **Pension and Health Benefits**

### **P.L. 2016, c.76 (A-1878)**

**Sponsor:** Wimberly (D35)

**Summary:** Increases to under \$15,000 from under \$10,000 the amount of permitted annual compensation paid to TPAF retiree reemployed as athletic coach by former school district within 180 days of retirement.

**Date Signed:** 12/5/2016

**Effective Date:** 12/5/2016

**Impact on Schools:** Prior law, P.L.2014, c.21, created an exception to current regulations that allow a retired member of the Teachers' Pension and Annuity Fund (TPAF) to become employed again with the former employer in a position as a coach of an athletics activity if the employment begins after the retirement

allowance becomes due and payable; the retired member has attained service retirement age as of the date of retirement (which for most current members of the TPAF is age 60); and the compensation for the employment is less than \$10,000 per year. This new law increases the amount of annual compensation to less than \$15,000 for TPAF retirees who are reemployed under this exception.

**NJPSA Position:** Neutral

### **P.L. 2016, c.83 (S-2810)**

**Sponsor:** Sweeney (D3)

**Summary:** Requires State to pay its pension contributions on quarterly basis by September 30, December 31, March 31, and June 30 of each year, beginning July 1, 2017.

**Date Signed:** 12/15/2016

**Effective Date:** FY2018 (7/1/2017)

**Impact on Schools:** The law requires the State to make its required contributions to the State-administered defined benefit retirement systems, including the Teachers' Pension and Annuity Fund, each State fiscal year on a quarterly basis on the following schedule: at least 25 percent by September 30, at least 50 percent by December 31, at least 75 percent by March 31, and at least 100 percent by June 30.

**NJPSA Position:** Support

### **P.L.2017, c.28 (S-3)**

**Sponsor:** Vitale (D19)

**Summary:** Requires health insurance coverage for treatment of substance use disorders; places certain restrictions on the prescription of opioid and certain other drugs; concerns continuing education related thereto.

**Date Signed:** 5/1/2017

**Effective Date:** 7/30/2017

**Impact on Schools:** Requires health insurance coverage for substance use disorders and regulates opioids and certain other prescription drugs in several ways. The new law requires health insurance carriers, and the State Health Benefits Program and the School Employees' Health Benefits Program, to adhere to certain coverage requirements for treatment of substance use disorders (both inpatient and outpatient). The law also places certain restrictions on the prescription of

opioids, and requires certain notifications when prescribing Schedule II controlled dangerous substances used to treat chronic or acute pain. The law also requires certain health care professionals to receive training on topics related to prescription opioid drugs.

**NJPSA Position:** Neutral

### **P.L.2017, c.176 (A-4568)**

**Sponsor:** Vainieri Huttle (D37)

**Summary:** Prohibits health insurers, SHBP, SEHBP, certain health care providers, and Medicaid from discriminating in providing coverage and services based on gender identity.

**Date Signed:** 7/21/2017

**Effective Date:** 11/1/2017

**Impact on Schools:** Prohibits health insurers and health maintenance organizations, as well as health benefits plans or contracts which are issued or purchased pursuant to the New Jersey Individual Health Coverage Program, New Jersey Small Employer Health Benefits Program, State Health Benefits Program, School Employees' Health Benefits Program, and the Medicaid Program from discriminating in the provision of coverage on the basis of gender identity or expression. The prohibited discrimination relates to covered persons and prospective covered persons.

**NJPSA Position:** Neutral

### **P.L.2017, c.220 (A-4230)**

**Sponsor:** Conaway (D7)

**Summary:** Requires health insurance carriers; SHBP, and SEHBP to inform covered persons about organ and tissue donation.

**Date Signed:** 8/7/2017

**Effective Date:** 11/5/2017

**Impact on Schools:** The new law supplements the "Health Care Quality Act," which requires carriers to provide to subscribers written informational materials about organ and tissue donation and registration at each contract renewal. The materials are to be developed or approved by a federally designated organ procurement organization, and shall inform subscribers as to how to make an anatomical gift, including information on the registration of a gift in the Donate Life New Jersey registry.

**NJPSA Position:** Neutral

### **P.L.2017, c.241 (A-2297)**

**Sponsor:** Vainieri Huttle (D-37)

**Summary:** Requires health insurance coverage for contraceptives to include prescriptions for 6 months.

**Date Signed:** 12/15/2017

**Effective Date:** 3/15/2018

**Impact on Schools:** The new law amends P.L.2005, c.251, the statute requiring health insurers that provide coverage for outpatient prescription drugs to cover prescription female contraceptives, to include a requirement for coverage of dispensing contraceptives for up to six months. Under the new law, the coverage provided would include prescriptions for dispensing contraceptives for:

- 1) a three-month period for the first dispensing of the contraceptive; and
- 2) a six-month period for any subsequent dispensing of the same contraceptive, regardless of whether coverage under that policy or contract was in effect at the time of the first dispensing.

**NJPSA Position:** Neutral

### **P.L.2017, c.277 (A-4704)**

**Sponsor:** Singleton (D7)

**Summary:** Requires analyses and reporting of investment performance of pension funds; requires disclosure of fees paid to managers of certain funds in which State invests pension funds.

**Date Signed:** 1/8/2018

**Effective Date:** 1/8/2018

**Impact on Schools:** The new law requires the boards of trustees of the Teachers' Pension and Annuity Fund (TPAF), among other funds, to conduct and report regular stress test analyses. Under the new law, TPAF's boards of trustees must adopt a stress testing method recommended by an organization of actuaries in accordance with generally accepted and nationally recognized actuarial standards, and approved by a majority of the actuaries of the retirement systems. The stress test analyses must provide a forward-looking projection to assess how well each of the State-administered retirement systems is likely to perform in periods where market returns are significantly above or below baseline assumed returns. The law requires the Division of Pensions and Benefits in the Department of the Treasury to post the analyses and past investment performance data for each State-administered retirement system for a period of 25 years on its Internet website.

The law also requires that the State Investment Council issue a report listing, in the aggregate and segregated by asset class, the investment returns achieved for the State-administered retirement funds under the council's supervision by external managers. The council, in all future contracts entered into after January 8, 2018 (the new law's effective date) must include a provision compelling each external manager to disclose the rate and amount of fees charged by the external manager for the investment of State-administered retirement system funds, including performance-based earnings and carried interest. The council must submit the report to the boards of trustees of each State-administered retirement system mentioned in the report and to the Division of Pensions and Benefits, which must post the report on its Internet website.

**NJPSA Position:** Neutral

### **P.L.2017, c.305 (S-2793)**

**Sponsor:** Weinberg (D37)

**Summary:** Requires health insurers, SHBP and SEHBP to provide coverage for digital tomosynthesis (DBT) for screening and diagnostic purposes related to breast cancer.

**Date Signed:** 1/16/2018

**Effective Date:** 8/1/2018

**Impact on Schools:** Requires health insurers and health maintenance organizations, including the School Employees' Health Benefits Program and other health benefits plans or contracts which are issued or purchased pursuant to the New Jersey Individual Health Coverage Program, to provide screening and detection coverage without charging for deductibles, coinsurance, or other cost sharing requirements for DBT for women over the age of 40; and to provide DBT coverage for diagnostic purposes for women of all ages to the same extent and with the same deductibles, coinsurance, and other cost sharing as apply to similar services under the health benefits plan.

Digital tomosynthesis, also sometimes called 3-D mammography, creates a three-dimensional picture of the breast using x-rays.

**NJPSA Position:** Neutral

## **P.L.2017, c.309 (S-2976)**

**Sponsor:** Weinberg (D37)

**Summary:** Requires health benefits coverage for donated human breast milk under certain conditions.

**Date Signed:** 1/16/2018

**Effective Date:** 1/1/2019

**Impact on Schools:** The law requires health insurers to provide health benefits coverage for any expenses incurred in the provision of pasteurized donated human breast milk, which may include human milk fortifiers if indicated by the prescribing licensed medical provider provided that:

- the covered person is an infant under the age of six months;
- a licensed medical practitioner has issued an order for an infant who is medically or physically unable to receive maternal breast milk or participate in breast feeding or whose mother is medically or physically unable to produce maternal breast milk in sufficient quantities or participate in breast feeding despite optimal lactation support;
- a licensed medical practitioner has issued an order for an infant that meets any of the following conditions:
  - a body weight below healthy levels determined by the licensed medical practitioner;
  - a congenital or acquired condition that places the infant at a high risk for development of necrotizing enterocolitis; or
  - a congenital or acquired condition that may benefit from the use of donor breast milk as determined by the Department of Health; and
- the milk is obtained from a human milk bank that meets quality guidelines established by the Department of Health.

**NJPSA Position:** Neutral

## **School Boards and Districts**

### **P.L.2017, c.45 (S-792)**

**Sponsor:** Sarlo (D36)

**Summary:** Permits newly created regional school districts or enlarging regional school districts to determine apportionment methodology for their boards of education on basis other than population.

**Date Signed:** 5/11/2017

**Effective Date:** 5/11/2017

**Impact on Schools:** Under prior law, most boards of education of regional school districts consist of nine members, with at least one from each constituent district. The remaining seats are allocated to constituent districts on the basis of population. This new law maintains the size of the regional school district board of education, but permits a newly created regional school district or a regional school district that will enlarge by adding one or more constituent districts, to determine, with the approval of the Commissioner of Education, an alternative apportionment method for its board. The boards of education proposing to create or enlarge a regional district would, by resolution, adopt a proposal to apportion the membership of the new board using an alternative apportionment method and if the commissioner approves the alternative apportionment, that apportionment method would be used in the statutorily required study conducted to determine whether it is advisable to create or enlarge the regional school district. If after the study the commissioner determines that it is advisable to create or enlarge a regional school district, and the voters approve the proposal to create or enlarge the regional district, then the board of the newly created or enlarged district will be elected in accordance with the alternative apportionment method.

In the case of an enlarged regional school district which establishes an alternative apportionment method for its board, the executive county superintendent is to, no later than 30 days after the election for the enlargement, appoint one member of the enlarged board from among the qualified citizens of each new constituent district. All the members of the board of the enlarged regional district are to be elected at the next annual school election following the election held to approve the enlargement of the regional

district. The members appointed by the executive county superintendent are to serve only until the organization meeting at which all the new elected members of the board of the enlarged regional district begin their terms.

The alternative apportionment method would continue in effect until the official promulgation of the next federal census. At that time, the Commissioner of Education is to consult with the constituent districts of the regional district to determine whether or not to reapportion the membership of the regional district. The law also provides that all members of the board will continue in office for the terms for which they were elected or appointed notwithstanding any reapportionment ordered by the commissioner. If a constituent district receives increased representation as a result of the reapportionment ordered by the commissioner, the additional members are to be elected at the next annual school election of the regional district.

The law also permits a special election on the enlargement of a regional school district to be held on any of the special election dates set forth in section 2 of P.L.1995, c.278 (C.19:60-2) - the fourth Tuesday in January, the second Tuesday in March, the last Tuesday in September, or the second Tuesday in December or the third Tuesday in April.

**NJPSA Position:** Neutral

### **P.L.2017, c.62 (S-2398)**

**Sponsor:** Bateman (R16)

**Summary:** Requires school district to adopt policy allowing students in Grades 9 through 12 who participate in certain interscholastic extracurricular activities to earn varsity letter.

**Date Signed:** 5/8/2017

**Effective Date:** 5/8/2017

**Impact on Schools:** The new law permits a school district that includes any of the Grades 9 through 12 to adopt a policy to provide that a student enrolled in those grades who participates in any school-sponsored, interscholastic extracurricular activity that includes competitions in which the student competes against students enrolled in schools outside of the district may be eligible to earn a varsity letter awarded by the district.

**NJPSA Position:** Support

### **P.L.2017, c.83 (A-3785)**

**Sponsor:** Downey (D11)

**Summary:** Requires State to pay educational costs of students who reside in homeless shelter outside district of residence for more than one year.

**Date Signed:** 5/1/2017

**Effective Date:** 2017-18 school year and thereafter

**Impact on Schools:** The law requires the State, rather than a local district, to pay the educational costs of a student who resides for more than one year in a homeless shelter located outside a student's original district of residence.

**NJPSA Position:** Neutral

### **P.L.2017, c.84 (A-4019)**

**Sponsor:** Mazzeo (D2)

**Summary:** Permits eligible students who are members of United States Armed Forces to wear military uniform at high school graduation.

**Date Signed:** 5/11/2017

**Effective Date:** 8/11/2017

**Impact on Schools:** The law requires school districts to allow eligible students to wear a dress uniform issued by the United States Armed Forces while participating in their high school graduation ceremony. A student is permitted to wear a dress uniform at graduation if:

- 1) the student has fulfilled all State and local requirements for receiving a high school diploma and is otherwise eligible to participate in the high school graduation ceremony; and
- 2) the student has completed basic training for, and is an active member of, a branch of the United States Armed Forces.

**NJPSA Position:** Support

### **P.L.2017, c.86 (A-4284)**

**Sponsor:** Quijano (D20)

**Summary:** Provides that school districts and nonpublic schools may receive reimbursement for costs incurred on or after January 1, 2016 for testing school drinking water for lead.

**Date Signed:** 5/11/2017

**Effective Date:** 5/11/2017

**Impact on Schools:** The annual appropriations act for fiscal year 2016-

2017 included a \$10 million appropriation to be used to reimburse school districts for costs incurred when conducting lead testing in drinking water in schools. The corresponding language provision stipulated that the reimbursement would be made pursuant to program requirements to be established by the Department of Education, which would be effective upon filing with the Office of Administrative Law (OAL). The department's requirements stated that school districts would only be eligible to receive a reimbursement for lead testing performed after July 13, 2016. This law allows nonpublic schools to receive reimbursement. It also allows a school district and a nonpublic school to receive a reimbursement for lead testing conducted on or after January 1, 2016, but before the department filed the program requirements with the OAL, if the lead testing meets or exceeds the program requirements established by the department.

**NJPSA Position:** Support

### **P.L.2017, c.102 (A-4352)**

**Sponsor:** Burzichelli (D3)

**Summary:** Provides for elimination of newly formed non-operating school districts; establishes procedures for eliminating deficit that existed prior to merger; authorizes renting of school building for 10 years.

**Date Signed:** 7/13/2017

**Effective Date:** 7/13/2017

**Impact on Schools:** The law provides for the elimination of non-operating school districts that were established after the effective date of P.L.2009, c.78 (which sought to eliminate non-operating districts). The law specifies that if, at the time of a required merger, a school district has a deficit in its general fund, then the Commissioner of Education will require that the district that incurred the deficit raise a supplemental general fund tax levy to eliminate the deficit. Any supplemental tax levy would be in addition to any increase that is authorized under the tax levy growth limitation, and the commissioner will determine if the supplemental levy will only affect the current year or if it will be a permanent increase. The law also increases the term under which a Type II school district may rent buildings for school purposes without voter approval. Under prior law, a district may, in the case of emergency, enter an agreement to rent a building for a term of five years. The new law increases the maximum term to 10 years.

**NJPSA Position:** Neutral

### **P.L.2017, c.137 (S-3067)**

**Sponsor:** Ruiz (D29)

**Summary:** Requires Commissioner of Education to develop guidelines for school districts regarding transgender students.

**Date Signed:** 7/21/2017

**Effective Date:** 7/21/2017

**Impact on Schools:** The new law requires the Commissioner of Education to develop guidelines for school districts regarding transgender students. The guidelines are intended to provide direction for schools in addressing common issues concerning the needs of transgender students, and to assist schools in establishing policies and procedures that ensure a supportive and nondiscriminatory environment for transgender students.

Under the new law, the guidelines are required to include information and guidance regarding:

- 1) definitions of terms relevant to an understanding of transgender issues;
- 2) maintaining a safe and supportive learning environment free from discrimination and harassment;
- 3) confidentiality and privacy concerns regarding a student's transgender or transitioning status;
- 4) procedures for the maintenance of official school records;
- 5) use of the name and pronoun that corresponds to a student's gender identity;
- 6) issuance of school documentation such as student ID's in the name that corresponds to a student's gender identity, and permitting transgender students to dress in accordance with their gender identity;
- 7) equal opportunities for participation in physical education;
- 8) participation in gender-segregated school activities in accordance with a student's gender identity;
- 9) the use of restrooms and locker rooms;
- 10) ensuring that school counselors are knowledgeable regarding issues and concerns relevant to transgender students; and
- 11) permitting and supporting the formation of student clubs or programs regarding issues related to lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth.

In addition, the guidelines will include information on organizations or other resources available to students and parents that provide support to transgender individuals. Under the law, the commissioner is to periodically review the guidelines and to update or modify them, as appropriate, in accordance with current State or federal laws and regulations concerning the rights of transgender students.

Finally, the law requires the commissioner to provide school districts with guidance and resources regarding:

- 1) providing professional development opportunities to teachers, administrators, guidance counselors, bus drivers, coaches, and other school staff regarding issues and concerns relevant to LGBTQ students; and
- 2) making developmentally appropriate information about LGBTQ issues available in school facilities, which may include providing pamphlets or books in school libraries, counseling offices, and nurse's offices.

**NJPSA Position:** Support

### **P.L. 2017, c. 274 (A-4457)**

**Sponsor:** Caride (D-36)

**Summary:** Provides certain immunity to board of director members and employees of private schools for students with disabilities if they report incidents of bullying in compliance with school policy.

**Date Signed:** 1/8/2018

**Effective Date:** 1/8/2018

**Impact on Schools:** The "Anti-Bullying Bill of Rights Act," P.L. 2002, c. 83 (C.18A:37-13 et seq.), does not explicitly apply to approved private schools for students with disabilities acting under contract to provide educational services on behalf of New Jersey public school districts. However, State Board of Education regulations promulgated to effectuate this law do include these schools and require them to develop, adopt, and implement a policy prohibiting harassment, intimidation, or bullying on school grounds. This new law confers affirmative immunity on board of director members and employees of approved private schools for students with disabilities who promptly report an incident of harassment, intimidation, or bullying to the appropriate school official designated by the school's policy or to a school administrator, and who

make this report in compliance with the procedures in the school's anti-bullying policy from a cause of action for damages arising from any failure to remedy the reported incident. This provision will provide the same immunity that is currently given to members of a school board and school district employees under subsection c. of section 4 of P.L. 2002, c. 83 (C.18A:37-16) of the "Anti-Bullying Bill of Rights Act."

**NJPSA Position:** Support

### **P.L. 2017, c. 310 (S-2978)**

**Sponsor:** Beach

**Summary:** Permits local units and school districts to invest in local government investment pools managed in accordance with applicable Governmental Accounting Standards Board guidelines.

**Date Signed:** 1/16/2018

**Effective Date:** 1/16/2018

**Impact on Schools:** The new law revises prior law governing the types of securities that may be purchased by local units and school districts to provide that local government investment pools must be managed in accordance with generally accepted accounting and financial reporting principles established by the Governmental Accounting Standards Board (GASB). Current law requires local government investment pools to be managed pursuant to U.S. Securities and Exchange Commission (SEC) regulations governing money market funds (17 C.F.R. s. 270.2a-7). Local government investment pools function like money market funds in the private sector.

**NJPSA Position:** Neutral

## **Special Education**

### **P.L. 2016, c. 48 (A-2566)**

**Sponsor:** Diegnan (D18)

**Summary:** Establishes Response to Intervention initiative in DOE to support and encourage school districts in implementation of Response to Intervention framework.

**Date Signed:** 9/6/2016

**Effective Date:** 9/6/2016

**Impact on Schools:** The new law directs the Commissioner of Education to develop and establish an initiative to support and encourage the use of a Response to Intervention (RTI) framework by school districts. The Department

initiative must include the dissemination of information and guidance to school districts regarding the development and effective implementation of an RTI framework as a methodology to identify struggling learners, maximize student achievement, and reduce behavioral problems. The initiative also must include the dissemination of information and guidance to school districts regarding the effective use of an RTI framework as a methodology to identify students with specific learning disabilities in accordance with the federal "Individuals with Disabilities Education Act" (IDEA), 20 U.S.C. s. 1400 et seq.

In addition, the new law requires the Commissioner to ensure that an RTI framework developed and implemented by a school district includes, at a minimum, certain elements that are commonly recognized as core components of any RTI model. These elements include:

- high quality research-based instruction in the general education setting;
- universal screening procedures to identify students at risk for poor learning outcomes or behavioral challenges;
- multiple levels of evidence-based interventions that are progressively more intense, based on the student's responsiveness; and
- continuous monitoring of student progress.

Finally, the new law requires the commissioner to make technical assistance and training available to assist school districts in implementing an RTI framework.

**NJPSA Position:** Support

### **P.L. 2017, c. 6 (S-1474)**

**Sponsor:** Ruiz (D29)

**Summary:** Requires teacher preparation program for instructional certificate to include certain amount of instruction or clinical experience in special education and for students with disabilities endorsement to include credit hours in autism spectrum disorder.

**Date Signed:** 2/24/2017

**Effective Date:** The first full school year after enactment

**Impact on Schools:** The new law provides that, in addition to any other requirements adopted by the State Board of Education for teacher preparation programs, the State Board must require that the preparation program for an instructional certificate

include a minimum of the equivalent of 6 semester credit hours of classroom instruction, clinical experience, including student internships, or a combination thereof, in special education. The law also requires that the preparation program for an instructional certificate with a teacher of students with disabilities endorsement include credit hours in autism spectrum disorder and comprehensive evidence-based instructional practices to address the educational strengths and needs of students with autism. The law is consistent with recent regulatory changes enacted last year as it relates to teacher preparation

**NJPSA Position:** Support

### **P.L.2017, c.103 (S-1451)**

**Sponsor:** Ruiz (D29)

**Summary:** Directs DOE to make database of special education decisions available on website.

**Date Signed:** 7/13/2017

**Effective Date:** 3/1/2018

**Impact on Schools:** The law requires the Department of Education to prospectively make available an electronic database of legal decisions concerning special education in New Jersey on its website. The database will contain a full-text copy of each decision rendered by the New Jersey Office of Administrative Law (OAL) in a special education due process hearing. If the OAL decision is appealed, any subsequent decision on the matter rendered by a New Jersey State court or a federal court must also be included in the database.

**NJPSA Position:** Support

### **P.L.2017, c.269 (A-3824)**

**Sponsor:** Vainieri Huttle (D37)

**Summary:** Establishes Office of Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families.

**Date Signed:** 1/8/2018

**Effective Date:** 1/8/2018

**Impact on Schools:** The law establishes an independent Office of the Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families in but not of the Department of the Treasury. The Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families is appointed by the Governor and must be qualified by training and experience to perform the duties of the office, and be a person of recog-

nized judgment, integrity, and objectivity who is skilled in communication, conflict resolution, and professionalism.

The duties of the ombudsman include:

- serving as a source of information for individuals with intellectual or developmental disabilities and their families and interested members of the public, to help them better understand State and federal laws and regulations governing individuals with intellectual or developmental disabilities;
- providing, in coordination with the State Council on Developmental Disabilities: information and support to individuals with intellectual or developmental disabilities and their families in navigating and understanding the process for obtaining services and supports from the Division of Developmental Disabilities (DDD) in the Department of Human Services (DHS) and the Division of Children's System of Care (CSOC) in the Department of Children and Families (DCF), including information and support for those who transition from receiving services and supports from CSOC to DDD; and assistance in obtaining from CSOC or DDD, as appropriate, services, supports, and opportunities that focus on personal goals and help those goals become a reality;
- providing information and communication strategies with regard to resolution of a disagreement with CSOC, DDD, DCF, or DHS regarding the evaluation, placement, or provision of services and supports to an individual with an intellectual or developmental disability; and to educate individuals with intellectual or developmental disabilities and their families on the available options for resolving these disputes;
- working neutrally and objectively to help ensure that a fair process is followed in the resolution of disputes concerning the provision of supports and services to individuals with intellectual or developmental disabilities receiving services from CSOC or DDD;
- identifying patterns of complaints regarding rights and services of individuals with intellectual or developmental disabilities, and to recommend strategies for improvements; and
- assisting CSOC and DDD in creating public information programs designed to acquaint and educate individuals with intellectual or developmental disabilities, their families, and the public about the duties of the ombudsman.

The ombudsman must issue a written report annually to the Commissioner of Human Services, the Commissioner of Children and Families, the Governor and Legislature. The report must include a summary of the services the ombudsman provided during the year, and any specific recommendations the ombudsman deems appropriate and necessary concerning the implementation of procedures with respect to providing individuals with intellectual or developmental disabilities with services and supports.

**NJPSA Position:** Neutral

### **P.L.2017, c.291 (S-1163)**

**Sponsor:** Corrado (R-40)

**Summary:** Establishes certain requirements for use of restraint and seclusion on students with disabilities in school districts, educational services commissions, and approved private schools for students with disabilities.

**Date Signed:** 1/16/2018

**Effective Date:** 1/16/2018

**Impact on Schools:** The new law requires a school district, an educational services commission, or an approved private school for students with disabilities that chooses to utilize physical restraint on students with disabilities to ensure that:

- physical restraint is used only in an emergency in which the student is exhibiting behavior that places the student or others in immediate physical danger;
- a student is not restrained in the prone position unless the student's primary care physician authorizes, in writing, the use of this restraint technique;
- staff members who are involved in the restraint of a student receive training in safe techniques for physical restraint from an entity determined by the board of education to be qualified to provide such training. This training must be updated at least annually; and
- the parent or guardian of a student is immediately notified by telephone or through some means of electronic communication when physical restraint has been used on the student. A full written report of the incident must be provided to the parent or guardian within 48 hours of the occurrence of the incident.

The law also requires a school district, educational services commission, or private school for students with disabilities to ensure that a seclusion

technique is used on a student with disabilities only in an emergency in which the student is exhibiting behavior that places the student or others in immediate physical danger.

In the event of the use of either physical restraints or seclusion techniques:

- each incident must be continuously visually monitored to ensure that it was used in accordance with established procedures set forth in a board policy developed in conjunction with the entity that provides staff training, so as to ensure the safety of the child and others;
- each incident must be documented in writing in detail so it can be used to develop or improve the behavior intervention plan at the next individualized education plan (IEP) meeting; and
- attempts must be made to minimize the use of these measures through the inclusion of positive behavior supports in the student's behavior intervention plans developed by the IEP team.

The law additionally requires the Department of Education to establish guidelines to ensure a review process is in place for school districts, educational services commissions, and approved private schools for students with disabilities to review the use of physical restraints and seclusion techniques in emergency situations and the repeated use of these measures on a single student, within a single classroom, or by a single individual. The student's IEP team may use this review process to revise the behavioral intervention plan or classroom supports, and the school district, educational services commission, or approved private school for students with disabilities may use the review process to determine whether to revise a staff member's professional development plan.

**NJPSA Position:** Neutral

## **Student Safety**

### **P.L. 2016, c.49 (A-2689)**

**Sponsor:** Schaer (D36)

**Summary:** "Secure Schools for All Children Act"; establishes State aid program for security services, equipment, or technology to ensure safe and secure school environment for nonpublic school students.

**Date Signed:** 9/6/2016

**Effective Date:** The 2016/17 school year

**Impact on Schools:** The law requires school districts to provide security services, equipment, or technology to nonpublic schools located in the district, within the limits of the funds available for that purpose. Under the new law, annually the superintendent of schools and the chief school administrators of the nonpublic schools located in that district must reach an agreement regarding the security services, equipment, or technology that the school district will provide to the nonpublic schools. In the event that an agreement is not reached, the executive county superintendent of schools will make the final determination. School districts will receive funding for this purpose in an amount equal to the support limit multiplied by the number of students enrolled in nonpublic schools located in that district.

**NJPSA Position:** Neutral

### **P.L. 2016, c.68 (S-86)**

**Sponsor:** Bucco (R25)

**Summary:** Establishes Class Three special law enforcement officers to provide security in public and nonpublic schools and county colleges.

**Date Signed:** 11/30/2016

**Effective Date:** 6/1/2017

**Impact on Schools:** The new law establishes an additional category of special law enforcement officer, specifically, retired officers who are less than 65 years old. Under the new law, Class Three Special Law Enforcement Officers are authorized to provide security while on school or college premises during hours when the school or college is normally in session or when occupied by students or their teachers or professors. To qualify for these positions, individuals must have completed the school resource

officer program. These Officers will not replace regular law enforcement officers or school resource officers currently employed in schools. These officers will have the same authority and duties as regular, full-time police officers while providing school security and will be under the authority of the local chief of police.

**NJPSA Position:** Support

### **P.L. 2016, c.79 (A-3348)**

**Sponsor:** Diegnan (D18)

**Summary:** Requires certain school security measures to be incorporated in architectural design of new school construction and certain school security measures for existing buildings.

**Subject:** Student Safety

**Date Signed:** 12/5/2016

**Effective Date:** 12/5/2016

**Impact on Schools:** The new law provides that, in the case of new school construction undertaken by a school district or the New Jersey Schools Development Authority, in addition to the Best Practices Standards for Schools Under Construction or Being Planned for Construction set forth by the Department of Community Affairs, the district or authority, as applicable, must provide for certain school security construction standards in the architectural design for the new construction. These school construction standards include among others, standards in regard to the selection of a building site with adequate space to accommodate bus and vehicular traffic separately, separate vehicular drop-off/pick-up areas, marked school entrances with a uniform numbering system, keyless locking mechanisms, access control systems which allow for remote locking and unlocking, sufficient space for evacuation in the event of an emergency, and areas in the school building intended for public use separated and secure from all other areas.

The law also provides that in the case of new school construction undertaken by a school district or the development authority, and in the case of existing school buildings, the district or the authority, as applicable, in addition to employing Crime Prevention Through Environmental Design principles, must employ certain school security standards. These standards include among others, that school security personnel be in uniform, the number of doors for access by school staff be limited,

exterior doors remain locked, secure vestibules at the school's main entrance be created, surveillance cameras be used as a target-hardening tool, and a strict key distribution protocol be developed.

**NJPSA Position:** Support

### **P.L. 2016, c.80 (A-3349)**

**Sponsor:** Diegnan (D18)

**Summary:** Requires annual school security training for school employees to be conducted collaboratively with emergency responders; requires law enforcement officer to annually attend at least one school security drill.

**Date Signed:** 12/5/2016

**Effective Date:** The first full school year following enactment

**Impact on Schools:** The law revises current law on school security drills to require all employees, not just certificated staff, to be provided annual training on school safety and security. The law also provides that the training must be conducted collaboratively with emergency responders in order to identify weaknesses in school safety and security procedures and to increase the effectiveness of emergency responders. The law additionally requires that a law enforcement officer be present at a minimum of one school security drill in each school year in order to make recommendations on any improvements or changes to school security drill procedures that the officer may deem advisable. Finally, the law stipulates that an actual fire or school security emergency that occurs at a school during the month and that includes activities which are the equivalent of a drill, will be considered a drill for the purposes of meeting the required number of monthly drills.

**NJPSA Position:** Support

### **P.L. 2016, c.100 (A-2158)**

**Sponsor:** Diegnan (D18)

**Summary:** Authorizes use of emergency reserve fund or proceeds from bonds issued by EDA to finance school security improvements.

**Date Signed:** 1/9/2017

**Effective Date:** 1/9/2017

**Impact on Schools:** The new law permits a school district to use its emergency reserve fund to finance school security improvements, including improvements to school facilities. Under prior law,

a district could only withdraw money from the emergency reserve fund to pay the cost of unanticipated general fund current expense costs. The new law limits "school security improvements" to safety and security measures involving building monitoring and communication technology designed to address school crime and the safety of students, staff, and visitors to school facilities. Under the law, Commissioner approval is not required when the withdrawal from the current expense emergency reserve account is included in the original school district budget certified for taxes to finance school security improvement. The law also provides that proceeds from bonds issued by the Economic Development Authority to finance the State's school construction program may be used to fund school facilities projects related to improving school security.

**NJPSA Position:** Support

### **P.L.2017, c.105 (S-2348)**

**Sponsor:** Ruiz (D29)

**Summary:** Includes students who participate in school intramural sports programs in the student-athlete head injury safety program.

**Date Signed:** 7/13/2017

**Effective Date:** 10/11/2017

**Impact on Schools:** The law amends *N.J.S.A. 18A:40-41* to include students participating in intramural sports programs organized by a public or nonpublic school, in the head injury safety program that is required for students who participate in interscholastic sports programs.

**NJPSA Position:** Support

### **P.L.2017, c.119 (S-742)**

**Sponsor:** Beach (D6)

**Summary:** Requires board of education to enter into agreement with law enforcement authorities regarding access to live video streams of public school buildings.

**Date Signed:** 7/21/2017

**Effective Date:** 7/21/2017

**Impact on Schools:** The law requires that if a school building of a school district is equipped with video surveillance equipment that is capable of wirelessly streaming live video to a remote location, the board of education must enter into

a memorandum of understanding (MOU) with local law enforcement authorities giving the authorities the ability to activate the equipment and view live streaming videos. In the case of a school building located in a municipality that does not have a municipal police department, then the board would enter into the MOU with an entity designated by the Superintendent of the State Police. The MOU would designate the individuals who would have access to the live streaming video, the circumstances under which the individuals would be authorized to access the video, and a plan for preventing and detecting unauthorized access. The law does not require the installation of video surveillance equipment that has the capacity to wirelessly stream video to a remote location.

**NJPSA Position:** Support

### **P.L.2017, c.162 (A-3347)**

**Sponsor:** Diegnan (D18)

**Summary:** Establishes New Jersey School Safety Specialist Academy in Department of Education and requires school districts to designate school safety specialist.

**Date Signed:** 7/21/2017

**Effective Date:** 1/17/2018

**Impact on Schools:** The law establishes the New Jersey School Safety Specialist Academy in the Department of Education. The purpose of the academy will be to serve as a central repository for best practices, training standards, and compliance oversight in all matters regarding school safety and security, including prevention efforts, intervention efforts, and emergency preparedness planning. The academy will also provide, free of charge, ongoing professional development on national and State best practices, assume a lead role in setting the vision for school safety and security in the State, and provide a coordinated and interdisciplinary approach to providing technical assistance and guidance to schools throughout the State. The academy will develop and implement a School Safety Specialist Certification Program. The program will offer training free of charge to newly-appointed school safety specialists in the areas of bullying, hazing, truancy, Internet safety, emergency planning, emergency drills, drugs, weapons, gangs and school policing, and any other areas deemed

necessary. The academy will also offer annual training sessions for certified school safety specialists.

The law also directs a school district superintendent to designate a school administrator as a school safety specialist for the school district. The school safety specialist must complete the certification program developed by the academy. The certification training must be provided free of charge. The school safety specialist will:

- be responsible for the supervision and oversight for all school safety and security personnel, policies, and procedures in the school district;
- ensure that these policies and procedures are in compliance with State law and regulations; and
- provide the necessary training and resources to school district staff in matters relating to school safety and security.

The school safety specialist will also serve as the school district liaison with local law enforcement and national, State, and community agencies and organizations in matters of school safety and security.

The law implements recommendations # 1, 2, and 3 of the July 2015 report of the New Jersey School Security Task Force.

**NJPSA Position:** Support

### **P.L.2017, c.318 (S-3416)**

**Sponsor:** Greenstein (D14)

**Summary:** Directs Division of Fire Safety in Department of Community Affairs to survey fire suppression systems in public and nonpublic school buildings.

**Date Signed:** 1/16/2018

**Effective Date:** 1/16/2018

**Impact on Schools:** The law directs the Department of Community Affairs (DCA) to survey fire suppression systems in public and non-public school buildings. The division would share the results of the survey with the Department of Education. For each building, the survey would have to include the following information:

- whether a fire suppression system is installed and operational;
- the year in which an existing fire suppression system was installed and any year in which additional piping or standpipes were added to the system or an additional system was installed in the same structure;
- the cost of curing any defect if an installed fire suppression system is not fully operational; and
- the cost of a reinstallation or annual maintenance of a fire suppression system that is inadequate or not fully operational.

### **P.L.2017, c.345 (A-155)**

**Sponsor:** Tucker (D-28)

**Summary:** Establishes public awareness campaign concerning the dangers of leaving children unattended in and around motor vehicles.

**Date Signed:** 1/16/2018

**Effective Date:** 1/16/2018

**Impact on Schools:** The law requires the Division of Highway Traffic Safety in the Department of Law and Public Safety, in consultation with the Department of Children and Families, to establish a public awareness campaign to inform the general public about the dangers of leaving children unattended in and around motor vehicles and the preventative measures that may be taken by parents or guardians to promote child safety and protect against injury or death.

**NJPSA Position:** Neutral

### **P.L.2017, c.347 (A-597)**

**Sponsor:** Lagana (D-38)

**Summary:** Establishes crimes of operating school bus with suspended or revoked driving privileges and being involved in accident causing bodily injury; permanently prohibits passenger and school bus CDL endorsements for persons convicted of those crimes.

**Date Signed:** 1/16/2018

**Effective Date:** 1/16/2018

**Impact on Schools:** The new law makes knowing operation of a school bus transporting one or more students a crime of the fourth degree if an operator's driving privileges have been suspended or revoked. The law further provides that a person, knowingly operating a school bus while that person's driving privileges have been suspended or revoked, who is involved in an accident resulting in bodily injury to another person is guilty of a crime of the third degree. The law requires the Chief Administrator of the Motor Vehicle Commission to revoke for life the passenger and school bus endorsements on the commercial driver's license of a person convicted of either offense. Finally, the law specifies that a person convicted of either offense is permanently disqualified from employment as a school bus driver.

**NJPSA Position:** Support

### **P.L.2017, c.349 (A-1257)**

**Sponsor:** Caride (D36)

**Summary:** Requires school bus transporting students using wheelchairs to be equipped with four-point securement system; requires school bus operator to secure students using wheelchairs.

**Date Signed:** 1/16/2018

**Effective Date:** 9/1/2019

**Impact on Schools:** The new law codifies existing federal requirements as it relates to the transport of students in wheelchairs on a school bus. Specifically, it requires school bus transporting students using wheelchairs to be equipped with four-point securement system and requires school bus operator to secure students using wheelchairs.

**NJPSA Position:** Support as consistent with federal law