EXECUTIVE ORDER NO. 155

WHEREAS, in light of the dangers posed by COVID-19, I issued Executive Order No. 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency; and

WHEREAS, through Executive Order Nos. 119, 138, and 151, issued on April 7, 2020, May 6, 2020, and June 4, 2020 respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, and Nos. 140-154 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, to protect the health, safety, and welfare of New Jersey residents by, among other things, reducing the rate of community spread of COVID-19, I issued Executive Order No. 104 on

March 16, 2020, the facts and circumstances of which are also adopted by reference herein, which established statewide social mitigation strategies for combatting COVID-19, including the cessation of in-person instruction at all institutions of higher education; and

WHEREAS, Executive Order No. 104 (2020) also gave the Secretary of Higher Education (the "Secretary") the authority to grant a waiver to allow in-person instruction to students on a case-by-case basis where a compelling rationale to allow such instruction exists; and

WHEREAS, on March 20, 2020, Colonel Patrick J. Callahan, State Director of Emergency Management, issued Administrative Order No. 2020-3 clarifying that the facilities closed to members of the public pursuant to Executive Order No. 104 (2020) included all libraries and computer labs at public and private colleges and universities; and

WHEREAS, to further limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No. 107 (2020) required institutions of higher education to continue to cease in-person instruction and continued the authority of the Secretary to grant waivers to allow in-person instruction to students on a case-by-case basis where a compelling rationale to allow such instruction exists; and

WHEREAS, given the decrease in the rate of reported new cases of COVID-19 in New Jersey, including a reduction in the total number of individuals being admitted to hospitals for COVID-19, the State can take steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, even as the rate of reported new cases of COVID-19 decreases, the ongoing risks presented by COVID-19 mean that many of the State's current measures must remain in place, both to reduce additional new infections and to save lives; and

WHEREAS, after consultation with officials from the Department of Health, I announced the multi-stage New Jersey's Road Back Plan ("Plan") for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification; and

WHEREAS, as the State moves forward with its reopening plans, it is reasonable to take an approach based on which industries can safely proceed while minimizing the spread of COVID-19, due to the challenges associated with assessing the circumstances of every individual entity; and

WHEREAS, consistent with this Plan, I issued Executive Orders No. 148 and 152 (2020), which allowed additional numbers of individuals to gather indoors and outdoors, consistent with the same repeated observations from public health experts, Executive Order No. 149 (2020), which authorized the gradual restart of ordinary child care services, certain youth sporting activities, and summer camps, including school district-operated summer educational programming, with social distancing requirements, and Executive Order No. 150 (2020), which permitted restaurants, bars, and other food or beverage establishments to provide in-person dining outdoors, again with social distancing requirements, and Executive Order No. 154 (2020), which allowed personal care service facilities to open in accordance with certain health and safety standards; and

WHEREAS, on June 13, 2020, Colonel Patrick J. Callahan, State Director of Emergency Management, issued Administrative Order No. 2020-15 permitting all libraries at public and private colleges and universities to reopen to the public for curbside pickup and drop-off, subject to specific health and safety requirements; and

WHEREAS, it is appropriate to allow institutions of higher education to begin preparing their facilities, staff, and students for the 2020-2021 academic year, as substantial preparation is required to address rooming and boarding, course offerings, and additional considerations unique to higher education settings; and

WHEREAS, it is appropriate to allow private trade schools, career schools, and other post-secondary places that offer or maintain a course of instruction or instructional program utilized to prepare individuals for future education or the workplace, to resume instruction as such programs are generally unable to provide instruction remotely and can proceed with in-person instruction while adhering to necessary health and safety standards; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Effective July 1, 2020, degree-granting public and private institutions of higher education ("IHE") may resume in-person instruction of students for curricula that require labs, technical, clinical, or hands-on instruction and therefore cannot be readily taught other than through in-person instruction, subject to the requirements in Paragraph 4 of this Order and all applicable Executive Orders.

2. The Secretary, in consultation with the Commissioner of Health, shall issue health and safety standards for the resumption of in-person instruction and on-campus operations, including housing and dining services, at IHEs ("Restart Standards for all New Jersey Institutions of Higher Education"). These standards are applicable to all degree-granting IHEs that are authorized to resume in-person instruction.

3. In the event that a program operated by an IHE is subject to authorization, accreditation, licensure, approval, or similar requirements by one or more State agencies, in addition to the Secretary, such as the Department of Labor and Workforce Development, the Department of Education, or the Division of Consumer Affairs within the Department of Law and Public Safety, the program must adhere to any health and safety standards issued by such agency or agencies.

4. IHEs that are authorized to resume in-person instruction pursuant to Paragraph 1 of this Order and intend to resume instructional in-person activity on campus must submit a restart plan to the Secretary in accordance with the Restart Standards for all New Jersey Institutions of Higher Education no later than 14 days prior to the expected date of implementation of the plan. Such plans must include, at minimum, the development and

implementation of policies and procedures that provide for the following:

a. Training for students regarding COVID-19 sanitization and social distancing practices and protocols as a condition of resuming in-person classes;

b. Training for faculty and staff on appropriate sanitization and social distancing practices and protocols, as well as institutional policies and procedures developed to limit the spread of COVID-19;

c. Use of face coverings for faculty, staff, students, and visitors, except when doing so would inhibit the individual's health;

d. Frequent cleaning and sanitization of classrooms, residences, restrooms, high-touch areas and equipment and shared surfaces;

e. Maintenance of adequate supplies, such as personal protective equipment and cleaning supplies;

f. Continued remote instruction for faculty and/or students who are unable to participate in in-person instruction;

g. Social distancing in classrooms, residence halls, restrooms, and other areas across campus;

h. Limitations on the number of students who may return to residence halls and restricted access to residential common areas;

i. Designation of space(s) for separation of individuals residing on campus who display symptoms consistent with or have a positive diagnosis of COVID-19;

j. A plan for on-campus transportation, which should include protocols for transporting sick students residing on campus to essential appointments as needed;

k. A plan for the operation of research labs, if applicable;

l. A plan for the operation of computer labs;

m. Strategies for food service and dining operations to ensure compliance with all health and safety standards and applicable Executive Orders;

n. A plan for intended resumption of athletics programs, if applicable;

o. A plan for the operation of student services;

p. Strategy for study abroad programs and international travel, if applicable;

q. Performance of health screenings for faculty, staff, students and visitors, and education regarding self-monitoring for symptoms;

r. Commitment to working with local and State officials, including the local health department and local office of emergency management, to share the components of the restart plan and revise same as may become necessary; and

s. Establishment of COVID-19 testing guidance and contact tracing protocols developed in consultation with local health officials and in line with existing State and federal health privacy statutes and regulations. At a minimum, such protocols should include a mechanism to maintain a log of students, faculty, staff and visitors to facilitate contact tracing, and the reporting of any instances of COVID-19 to local health officials.

Following submission to the Secretary, such restart plan must be posted on the IHE's website and provided to students and staff in advance of the anticipated date for implementation.

5. Degree-granting IHEs that previously received a waiver to resume in-person instruction pursuant to Executive Orders No. 104 and 107 (2020) must comply with the requirements outlined in Paragraph 4, as well as all applicable health and safety standards and Executive Orders, within two weeks of the effective date of this Order.

6. The Secretary shall otherwise retain the authority to grant waivers to degree-granting IHEs on a case-by-case basis to allow in-person instruction beyond that authorized by Paragraph 1 of this Order where a compelling rationale to allow such instruction exists. All waiver applications must include, at minimum, the following components:

a. A description of the compelling rationale for providing in-person instruction beyond that authorized by Paragraph 1 of this Order;

b. A description as to why the instruction cannot be provided through either online instruction or distance education;

c. A description of other options the IHE has explored as an alternative to in-person instruction, including alternate forms of instruction or the postponement of academic programming, and an explanation for why these options were not adopted;

d. An estimate of the number of students affected by the proposed waiver; and

e. A restart plan that addresses how the IHE will protect the health and safety of students and staff affected by the proposed waiver.

7. Programs, classes, or degree-granting IHEs that are not permitted to resume in-person instruction pursuant to this Order shall remain subject to the prohibitions in Executive Order No. 107 (2020).

8. Nothing in Paragraph 1 of this Order shall be construed to preclude IHEs from continuing to provide instruction and services to students and members of the public in a form other than in-person instruction.

9. Paragraph 3 of Executive Order No. 104 (2020) and Paragraph 13 of Executive Order No. 107 (2020) are hereby superseded to the extent inconsistent with this Order.

10. Effective July 1, 2020, notwithstanding any prior actions taken by State agencies to the contrary, all private trade schools, career schools and other post-secondary facilities that offer or maintain a course of instruction or instructional program utilized to prepare individuals for future education or the

workplace but are not subject to oversight by the Secretary ("training schools") shall be permitted to resume in-person instruction, including laboratory or clinical components, provided that the training school complies with all applicable Executive Orders and has in place a restart plan that includes, at minimum, policies and procedures that provide for the following:

a. Training for students regarding COVID-19 sanitization and social distancing practices and protocols as a condition for resuming in-person instruction;

b. Training for faculty and staff on appropriate sanitization and social distancing practices and protocols, as well as institutional policies and procedures developed to limit the spread of COVID-19;

c. Use of face coverings for faculty, staff, students, and visitors, except when doing so would inhibit the individual's health;

d. Frequent cleaning and sanitization of classrooms, restrooms, high-touch areas and equipment and shared surfaces;

e. Maintenance of adequate supplies, such as personal protective equipment and cleaning supplies;

f. Installation of hand sanitizing stations with 60 percent or more alcohol content at all building entry points and throughout the school;

g. The option of remote instruction for faculty and students who are unable to participate in in-person instruction;

h. Performance of health screenings for faculty, staff, students and visitors, and education regarding self-monitoring for symptoms;

i. Social distancing in classrooms, workstations, laboratories, clinical settings, and student seating areas throughout the training school and a plan for providing smaller class sizes if feasible;

j. Plan for staggering start, break, and end times of class periods, or alternating scheduled class days to reduce crowding at the training school and classroom entryways;

k. Commitment to working with local and State officials, including the local health department and local office of emergency management, to share the components of the restart plan and revise same as may be necessary; and

l. Establishment of COVID-19 testing guidance and contact tracing protocols developed in consultation with local health officials and in line with existing State and federal health privacy statutes and regulations. At a minimum, such protocols should include a mechanism to maintain a log of students, faculty, staff, and visitors to facilitate contact tracing, and the reporting of any instances of COVID-19 to local health officials.

The above policies and procedures must be posted on the training school's website and provided to students and staff in advance of the anticipated date for implementation.

11. In addition to complying with all other applicable requirements of this Order, training schools and programs subject to accreditation, approval, or licensure by any professional licensing board within the Division of Consumer Affairs shall submit their restart plans to the applicable board prior to the resumption of in-person education and comply with all applicable rules or standards promulgated by the board or the Director of the Division of Consumer Affairs, including any Administrative Order issued pursuant to P.L.2020, c.18. To the extent that any clinical or hands-on instruction entails the provision of licensed services, training schools must ensure that such services are performed in a manner consistent with all requirements applicable to licensees performing those services. The provision of personal care services by students at such training schools to members of the public shall remain prohibited until such time as the Director of the Division of Consumer Affairs shall adopt an Administrative Order pursuant to P.L.2020, c.18, establishing standards for the supervision of students providing such services.

12. Any actions taken by any State agency pursuant to this Order shall not be subject to the requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

13. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order.

14. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other

governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order.

15. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement.

16. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

17. This Order shall take effect immediately.

GIVEN, under my hand and seal this 18th day of June, Two Thousand and Twenty, and of the Independence of the United States, the Two Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor