

ASSEMBLY, No. 5482

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 17, 2021

Sponsored by:

Assemblyman JAY WEBBER

District 26 (Essex, Morris and Passaic)

Assemblyman ERIK PETERSON

District 23 (Hunterdon, Somerset and Warren)

Assemblyman BRIAN BERGEN

District 25 (Morris and Somerset)

Co-Sponsored by:

Assemblymen Simonsen, Rooney, DePhillips and Assemblywoman N.Munoz

SYNOPSIS

Dedicates State reserve of certain federal funds to in-person and hybrid school districts.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/25/2021)

1 AN ACT concerning the distribution of certain federal funds to in-
2 person and hybrid school districts.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. a. As used in this section:

8 “Hybrid school district” means a school district the
9 superintendent of which certifies under penalty of perjury that it
10 offered all of the students of the district in-person instruction on
11 more than 25 percent but less than 75 percent of school days during
12 the 2020-2021 school year.

13 “In-Person school district” means a school district the
14 superintendent of which certifies under penalty of perjury that it
15 offered all of the students of the district in-person instruction on 75
16 percent or more of school days during the 2020-2021 school year.

17 b. (1) To the extent permitted by federal law, the total amount
18 of the State reserve of moneys received by the State under the
19 Elementary and Secondary School Emergency Relief II Fund,
20 which State reserve is authorized pursuant to subsection (e) of
21 section 313 of the federal Coronavirus Response and Relief
22 Supplemental Appropriations Act, Pub.L.116-260, shall be
23 distributed only to in-person school districts and hybrid school
24 districts on an equal per pupil basis, except that in-person school
25 districts shall receive a per pupil amount that is 1.5 times greater
26 than the per pupil amount received by hybrid school districts.
27 School districts not meeting the definition of either a hybrid school
28 district or an in-person school district under subsection a. of this
29 section shall not be eligible for the State reserve of moneys received
30 by the State under the Elementary and Secondary School
31 Emergency Relief II Fund.

32 (2) The distribution of federal funds authorized pursuant to
33 paragraph (1) of this subsection shall not be construed to alter in
34 any way the allocation of moneys to local education agencies
35 required under subsection (c) of section 313 of the federal
36 Coronavirus Response and Relief Supplemental Appropriations Act,
37 Pub.L.116-260, or the State reserve amount that may be reserved
38 for administrative costs under subsection (c) of section 313 of the
39 federal Coronavirus Response and Relief Supplemental
40 Appropriations Act, Pub.L.116-260.

41 c. The Commissioner of Education shall set forth guidance for
42 superintendents certifying the number and percentage of school
43 days offered to all students by a school district through in-person
44 instruction for the purposes of implementing the provisions of
45 paragraph (1) of subsection b. of this section.

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47 2. This act shall take effect immediately.

STATEMENT

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This bill intends to reward and compensate those school districts that offered substantial in-person instruction in the 2020-2021 school year for their extraordinary efforts and the costs incurred in meeting the challenges of educating children during a global pandemic.

The bill requires that the total amount of the State reserve of moneys received by New Jersey under the Elementary and Secondary School Emergency Relief II (ESSER II) Fund be distributed to “in-person school districts” and “hybrid school districts.” The distribution would be made on an equal per pupil basis, except that in-person school districts would receive a per pupil amount that is 1.5 times greater than the per pupil amount received by hybrid school districts. Under the bill, a hybrid school district is defined as a school district whose superintendent certifies under penalty of perjury that it offered all of the students of the district in-person instruction on more than 25 percent but less than 75 percent of school days during the 2020-2021 school year. An in-person school district is defined as a school district whose superintendent certifies under penalty of perjury that it offered all of the students of the district in-person instruction on 75 percent or more of school days during the 2020-2021 school year.

The ESSER II Fund was authorized pursuant to the federal Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act. Of the total \$1.23 billion that New Jersey received from the ESSER II Fund, a minimum of 90 percent is required to be awarded to local education agencies (LEAs) in proportion to the amount of funds the LEAs received under part A of Title I of the Elementary and Secondary Education Act of 1965. No more than 10 percent of the funds received by New Jersey under the ESSER II Fund may be reserved by the State Department of Education for certain emergency needs to address issues responding to COVID-19.