

ASSEMBLY, No. 5038

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 19, 2020

Sponsored by:

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

SYNOPSIS

Establishes New Jersey Community Learning Program in DOE to provide comprehensive after school programs in certain communities; dedicates portion of State cannabis revenue to support program.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/7/2021)

1 **AN ACT** establishing the New Jersey Community Learning Program
2 in the Department of Education and supplementing chapter 6 of
3 Title 18A of the New Jersey Statutes.

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

7
8 1. As used in P.L. , c. (C.) (pending before the
9 Legislature as this bill):

10 “Assistance fund” means the New Jersey Community Learning
11 Assistance Fund established pursuant to section 5 of
12 P.L. , c. (C.) (pending before the Legislature as this bill).

13 “Commissioner” means the Commissioner of Education.

14 “Department” means the Department of Education.

15 “Impact district” means a school district that is located within an
16 impact zone.

17 “Impact zone” means any municipality, based on past criminal
18 marijuana enterprises contributing to higher concentrations of law
19 enforcement activity, unemployment, and poverty within parts of or
20 throughout the entity, that:

21 (1) has a population of 120,000 or more according to the most
22 recently compiled federal decennial census as of the effective date
23 of P.L. , c. (C.) (pending before the Legislature as this
24 bill); or

25 (2) ranks in the top 40 percent of municipalities in the State for
26 marijuana- or hashish-related arrests for violation of paragraph (4)
27 of subsection a. of N.J.S.2C:35-10 in the calendar year next
28 preceding the effective date of P.L. , c. (C.) (pending
29 before the Legislature as this bill); has a crime index total of 825 or
30 higher based upon the indexes listed in the most recently issued
31 annual Uniform Crime Report by the Division of State Police as of
32 that effective date; and has a municipal average annual
33 unemployment rate that ranks in the top 15 percent of all
34 municipalities for the calendar year next preceding that effective
35 date, based upon average annual unemployment rates estimated for
36 the relevant calendar year by the Office of Research and
37 Information in the Department of Labor and Workforce
38 Development.

39 “Non-school hour” includes any hour when school is not in
40 session, including before and after school and during the summer
41 recess.

42
43 2. a. There is established in the department the New Jersey
44 Community Learning Program to support the provision of
45 comprehensive after school programs in certain areas most
46 impacted by the criminalization of cannabis.

47 b. An impact district, in collaboration with the governing body
48 of each municipality located within the district, shall establish and

1 implement an after school community learning program that
2 endeavors to close the achievement gap and provide services for
3 enrolled students during non-school hours.

4 c. An after school community learning program may provide
5 services at one or more locations, including existing school
6 facilities and approved off-site locations. An impact district shall
7 provide participating students with transportation to and from any
8 location used to deliver program services.

9
10 3. a. Within 60 calendar days following the effective date of
11 P.L. , c. (C.) (pending before the Legislature as this bill),
12 the board of education of an impact district, in collaboration with
13 the governing body of each municipality located within the district,
14 shall conduct two public hearings to receive community input
15 concerning the establishment of an after school community learning
16 program.

17 b. Within 120 calendar days following the effective date of
18 P.L. , c. (C.) (pending before the Legislature as this bill),
19 the board of education of an impact district shall submit a program
20 plan to the commissioner. In addition to any other information that
21 the commissioner may require, the program plan shall include:

22 (1) a detailed description of the services that will be provided
23 through the program;

24 (2) a detailed description of the background and qualifications
25 of the personnel who will supervise and staff the program;

26 (3) a schedule of the days and hours during which the program
27 will operate;

28 (4) the criteria that will be used to determine eligibility for
29 student participation in the program;

30 (5) an estimate of the number of students who will participate in
31 the program;

32 (6) the locations in which academic assistance and community
33 enrichment services will be provided;

34 (7) an estimate of the annual cost of implementing the program;
35 and

36 (8) any other information that the board of education may deem
37 necessary.

38 c. (1) Within 30 calendar days of receipt, the commissioner
39 shall approve or conditionally approve the program plan submitted
40 by each impact district. If the commissioner fails to approve or
41 conditionally approve a program plan within 30 calendar days of
42 receipt, the program plan shall be deemed approved.

43 (2) If the commissioner conditionally approves a program plan,
44 the commissioner shall transmit, in writing, to the board of
45 education of the impact district each revision to the program plan
46 that shall be necessary for approval. The program plan shall be
47 deemed approved when the board of education adopts all revisions
48 contained in the conditional approval.

1 (3) An impact district shall not implement an after school
2 community learning program before the program plan has been
3 approved by the commissioner.

4 d. After approval of the program plan, the board of education
5 of an impact district may modify the after school community
6 learning program by submitting a revised program plan to the
7 commissioner for approval. The revised program plan shall be
8 reviewed and approved in the same manner as the initial program
9 plan.

10

11 4. a. The department shall annually distribute such funding as
12 is necessary, from the assistance fund established pursuant to
13 section 5 of P.L. , c. (C.) (pending before the Legislature
14 as this bill), to each impact district to defray the full costs of
15 implementing the after school community learning program.

16 b. All funds received by an impact district pursuant to this
17 section shall be accounted for in a special revenue fund and used
18 exclusively to implement the after school community learning
19 program.

20 c. Notwithstanding any provision of P.L. , c. (C.)
21 (pending before the Legislature as this bill) to the contrary, no
22 impact district shall be required to implement an after school
23 community learning program during any year in which State
24 funding is not provided pursuant to this section.

25

26 5. a. There is established in the department a non-lapsing New
27 Jersey Community Learning Assistance Fund. All monies held in
28 the assistance fund shall be used exclusively to provide funding to
29 impact districts, as required in section 4 of P.L. , c. (C.)
30 (pending before the Legislature as this bill).

31 b. Beginning in State Fiscal Year 2022, there shall be annually
32 deposited into the assistance fund an amount determined by the
33 Cannabis Regulatory Commission, established pursuant to section
34 31 of P.L.2019, c.153 (C.24:6I-24), from the State revenue
35 collected from the tax imposed under the "Sales and Use Tax Act,"
36 P.L.1966, c.30 (C.54:32B-1 et seq.), as amended and supplemented,
37 or any other subsequent law of similar effect, on the receipts from
38 retail purchases of cannabis or products created from or which
39 included cannabis.

40 c. If in any year, the amounts deposited into the assistance fund
41 pursuant to subsection b. of this section are insufficient to support
42 the full distribution of funding to impact districts, as required in
43 section 4 of P.L. , c. (C.) (pending before the Legislature
44 as this bill), the State shall appropriate such additional amounts as
45 are necessary from the Property Tax Relief Fund to the assistance
46 fund.

1 6. The State Board of Education shall adopt regulations
2 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
3 (C.52:14B-1 et seq.) to effectuate the provisions of
4 P.L. , c. (C.) (pending before the Legislature as this bill).

5
6 7. This act shall take effect immediately, or on the effective
7 date of an amendment to the State Constitution to legalize cannabis
8 for personal, non-medical use by adults who are 21 years of age or
9 older, whichever occurs later.

10
11
12 STATEMENT

13
14 This bill establishes the New Jersey Community Learning
15 Program in the Department of Education to support the provision of
16 comprehensive after school programs in certain areas most
17 impacted by the criminalization of cannabis ("impact zones"). The
18 costs of the program would be supported by a portion of the annual
19 State revenues collected from the retail sale of recreational cannabis
20 products.

21 Under the bill, every school district located within an impact
22 zone ("impact district") would be required to establish and
23 implement an after school community learning program. These
24 programs would endeavor to close the achievement gap and provide
25 services for enrolled students during non-school hours, including
26 summer recess. The bill allows these services to be provided at one
27 or more locations, including existing school facilities and approved
28 off-site locations, except that the district would be required to
29 provide participating students with transportation to and from any
30 such location.

31 Following the effective date of the bill, each impact district, in
32 collaboration with the governing body of each municipality located
33 within the district, would be required to conduct two public
34 hearings to receive community input concerning the establishment
35 of an after school community learning program. Before
36 implementing the program, the board of education of an impact
37 district would also be required to submit a program plan to the
38 commissioner for approval. At a minimum, the program plan
39 would be required to include: (1) a detailed description of the
40 services that will be provided through the program; (2) a detailed
41 description of the background and qualifications of the personnel
42 who will supervise and staff the program; (3) a schedule of the days
43 and hours during which the program will operate; (4) the criteria
44 that will be used to determine eligibility for student participation in
45 the program; (5) an estimate of the number of students who will
46 participate in the program; (6) the locations in which academic
47 assistance and community enrichment services will be provided; (7)
48 an estimate of the annual cost of implementing the program; and (8)

1 any other information that the board of education may deem
2 necessary.

3 The bill requires the commissioner to approve or conditionally
4 approve each program plan within 30 calendar days of receipt. If
5 the commissioner conditionally approves a program plan, the plan
6 would be deemed approved when the board of education adopts all
7 revisions contained in the conditional approval. Thereafter, an
8 impact district may modify its after school community learning
9 program by submitting a revised program plan to the commissioner
10 for approval.

11 Under the bill, the department would be required to annually
12 distribute such funding as is necessary to each impact district to
13 defray the full costs of implementing the after school community
14 learning program. The bill requires all State funds received by an
15 impact district to be accounted for in a special revenue fund and
16 used exclusively to implement the after school community learning
17 program. The bill provides that an impact district would not be
18 required to implement an after school community learning program
19 during any year in which State funding is not provided pursuant to
20 this bill.

21 The bill also establishes the New Jersey Community Learning
22 Assistance Fund, which would be used to distribute program
23 funding to impact districts. Beginning in State Fiscal Year 2022,
24 the bill requires the State to annually deposit into the assistance
25 fund an amount determined by the Cannabis Regulatory
26 Commission from the State revenue collected from the tax imposed
27 under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et
28 seq.) on the retail sale of recreational cannabis products. However,
29 if in any year, these amounts are insufficient to support the full
30 distribution of funding to impact districts, the State would be
31 required to appropriate such additional amounts as are necessary
32 from the Property Tax Relief Fund to the assistance fund.

33 This bill would take effect on the date of enactment, or on the
34 effective date of an amendment to the State Constitution to legalize
35 cannabis for personal, non-medical use by adults who are 21 years
36 of age or older, whichever occurs later.