ASSEMBLY, No. 5125

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED DECEMBER 10, 2020

Sponsored by:
Assemblywoman ANGELA V. MCKNIGHT
District 31 (Hudson)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.

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

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

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

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

"Commissioner" means the Commissioner of Education.

"Department" means the Department of Education.

"Impact district" means a school district that is located within an impact zone.

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

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

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

"Non-school hour" includes any hour when school is not in session, including before and after school and during the summer recess.

2. a. There is established in the department the New Jersey Community Learning Program to support the provision of comprehensive extended learning time programs in certain areas most impacted by the criminalization of cannabis.

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

implement an extended learning time program that endeavors to close the achievement gap and provide services for enrolled students during non-school hours.

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) An impact district shall not implement an extended learning time program before the program plan has been approved by the commissioner.

d. After approval of the program plan, the board of education of an impact district may modify the extended learning time program by submitting a revised program plan to the commissioner for approval. The revised program plan shall be reviewed and approved in the same manner as the initial program plan.

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

b. All funds received by an impact district pursuant to this section shall be accounted for in a special revenue fund and used exclusively to implement the extended learning time program.

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

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

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

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

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

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

STATEMENT

This bill establishes the New Jersey Community Learning Program in the Department of Education to support the provision of comprehensive extended learning time programs in certain areas most impacted by the criminalization of cannabis (“impact zones”). The costs of the program would be supported by a portion of the annual State revenues collected from the retail sale of recreational cannabis products.

Under the bill, every school district located within an impact zone (“impact district”) would be required to establish and implement an extended learning time program. These programs would endeavor to close the achievement gap and provide services for enrolled students during non-school hours, including summer and holiday recesses. The bill allows these services to be provided at one or more locations, including existing school facilities and approved off-site locations, except that the district would be required to provide participating students with transportation to and from any such location.

Following the effective date of the bill, each impact district, in collaboration with the governing body of each municipality located within the district, would be required to conduct two public hearings to receive community input concerning the establishment of an extended learning time program. Before implementing the program, the board of education of an impact district would also be required to submit a program plan to the commissioner for approval.

At a minimum, the program plan would be required to include: (1) a detailed description of the services that will be provided through the program; (2) a detailed description of the background and qualifications of the personnel who will supervise and staff the program; (3) a schedule of the days and hours during which the program will operate; (4) the criteria that will be used to determine eligibility for student participation in the program; (5) an estimate of the number of students who will participate in the program; (6) the locations in which academic assistance and community enrichment services will be provided; (7) an estimate of the annual

cost of implementing the program; and (8) any other information that the board of education may deem necessary.

The bill requires the commissioner to approve or conditionally approve each program plan within 30 calendar days of receipt. If the commissioner conditionally approves a program plan, the plan would be deemed approved when the board of education adopts all revisions contained in the conditional approval. Thereafter, an impact district may modify its extended learning time program by submitting a revised program plan to the commissioner for approval.

Under the bill, the department would be required to annually distribute such funding as is necessary to each impact district to defray the full costs of implementing the extended learning time program. The bill requires all State funds received by an impact district to be accounted for in a special revenue fund and used exclusively to implement the extended learning time program. The bill provides that an impact district would not be required to implement an extended learning time program during any year in which State funding is not provided pursuant to this bill.

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

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