

ASSEMBLY, No. 5763

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 18, 2021

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman STERLEY S. STANLEY

District 18 (Middlesex)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Co-Sponsored by:

Assemblyman Benson

SYNOPSIS

Requires 10 percent of certain federal education relief funds, approximating \$26.2 million, be dedicated specifically to students with intellectual and developmental disabilities.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/18/2021)

1 **AN ACT** concerning the distribution of certain federal funds to
2 programs, supports, and services for students with intellectual
3 and developmental disabilities.

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

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8 1. a. To the extent permitted by federal law, no less than 10
9 percent of the total amount of the State reserve of moneys received
10 by the State under the Elementary and Secondary School
11 Emergency Relief III Fund, which State reserve is authorized
12 pursuant to subsection (f) of section 2001 of the federal “American
13 Rescue Plan Act,” Pub.L.117-2, shall be dedicated specifically for
14 the provision of educational programs, supports, and other services
15 to students with intellectual and developmental disabilities. The
16 total amount of the State reserve of moneys received by the State
17 under the Elementary and Secondary School Emergency Relief III
18 Fund shall not include amounts that may be reserved for
19 administrative costs pursuant to paragraph (4) of subsection (f) of
20 section 2001 of the federal “American Rescue Plan Act,”
21 Pub.L.117-2.

22 b. The distribution of federal funds authorized pursuant to
23 subsection a. of this section shall not be construed to alter in any
24 way the allocation of moneys to local education agencies required
25 under subsection (e) of section 2001 of the federal “American
26 Rescue Plan Act,” Pub.L.117-2.

27
28 2. This act shall take effect immediately.

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STATEMENT

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33 This bill requires that no less than 10 percent of the total amount
34 of the State reserve of moneys received by New Jersey under the
35 Elementary and Secondary School Emergency Relief III (ESSER
36 III) Fund, excluding amounts that may be reserved for
37 administrative costs, be dedicated specifically for the provision of
38 educational programs, supports, and other services to students with
39 intellectual and developmental disabilities.

40 Under the ESSER III Fund established pursuant to the
41 “American Rescue Plan (ARP) Act,” New Jersey is expected to
42 receive a total grant award of approximately \$2.76 billion. Of that
43 total amount, at least 90 percent is required to be distributed to local
44 education agencies based on their proportionate share of grants
45 provided for the presence of certain low-income students. The
46 remaining 10 percent is permitted to be used by the State
47 Department of Education as a State reserve or “set-aside.” The
48 ARP Act requires that: at least five percent (\$138.23 million) of the

1 State's total grant award be used for activities to address learning
2 loss; at least one percent (\$27.65 million) of the total grant award
3 be used for evidence-based summer enrichment programs; at least
4 one percent (\$27.65 million) be used for evidence-based
5 comprehensive afterschool programs; up to one-half of one percent
6 (\$13.82 million) of the total grant award be used for administrative
7 costs; and any remaining funds (\$69.12 million) be used for other
8 State activities to address issues responding to COVID-19.

9 It is the sponsor's belief, based on allocations of similar set-aside
10 funds made in other states, that a 10 percent dedication of New
11 Jersey's set-aside, approximating \$26.2 million, would be
12 appropriate and significant in supporting students with intellectual
13 and developmental disabilities. The COVID-19-related school
14 closures and the increased use of virtual means to provide
15 instruction and certain special education services has greatly
16 impacted students with disabilities, leading to detrimental learning
17 loss and a lack of other experiences that are usually offered in-
18 person. Ensuring that a minimum amount of federal funding is
19 dedicated to supporting these students will provide much-needed
20 assistance.