SENATE, No. 3751

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 11, 2021

Sponsored by:
Senator KRISTIN M. CORRADO
District 40 (Bergen, Essex, Morris and Passaic)
Senator THOMAS H. KEAN, JR.
District 21 (Morris, Somerset and Union)

Co-Sponsored by:
Senator A.M.Bucco

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: 5/20/2021)

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

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

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

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

2. This act shall take effect immediately.

STATEMENT

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

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

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

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