



May 1, 2020

The Honorable Phil Murphy, Governor
Office of the Governor
P.O. Box 001
Trenton, New Jersey 08625

Re: State Planning to Distribute CARES Act K-12 Funds

Dear Governor Murphy:

As a leading advocate for New Jersey's public school children, Education Law Center (ELC) requests the opportunity to discuss with you and officials at the New Jersey Department of Education (NJDOE) your Administration's plans for utilizing federal emergency relief funds for K-12 education appropriated by Congress under the Coronavirus Aid, Relief, and Economic Security (CARES) Act. These funds include \$310 million in the Elementary and Secondary School Emergency Relief (ESSER) Fund to be allocated by the State Education Agency (SEA) - *i.e.*, NJDOE - to New Jersey school districts or local education agencies (LEAs) and \$69 million for K-12 and higher education in the Governor's Emergency Education Relief (GEER) Fund.

ELC has [estimated CARES Act allocations to New Jersey school districts](#) based on the recent distribution of federal Title I funds under the formula contained in the Every Student Succeeds Act (ESSA).

In the CARES Act, Congress targets the K-12 emergency relief funds to support the needs of historically underserved students, including low-income students, students with disabilities, English language learners, students of color, homeless students, foster care youth and migrant students. Congress recognized that it is likely these children have urgent resource needs that, if not addressed, will cause them to fall behind their more affluent peers during and after the period of COVID-19 school closure that is necessitating reliance on remote, digital means of educating students.

The CARES Act provisions governing emergency relief funds, and the U.S. Department of Education's application guidance to states, require the NJDOE to direct school districts to prepare

plans to ensure the federal emergency funds are used to address the impact of COVID-19 on students and provide critical, continued instruction and support services while schools are closed. The Act also makes clear Congress's intent that these funds be used to address the "digital divide" in access to internet connectivity and computer devices between higher poverty and wealthier districts and among students who need additional supports and interventions, including students with disabilities and low-income students, so that all students have access to necessary technology.

To this end, Congress specifies that allowable uses for CARES Act funds include expenses related to: internet access and devices for students at home; software and other technology to facilitate student, teacher and school connectivity; summer school and afterschool programs; meals for students experiencing food insecurity; mental health and other support services for students; and assistance and professional development for teachers and school leaders to continue instruction for students through remote, digital methods. As set forth above, the CARES Act also makes clear that the districts should target these resources to disadvantaged student populations.

To meet these pressing challenges, we recommend your Administration act quickly to ensure districts take maximum advantage of the additional CARES Act funds to provide effective and equitable learning opportunities while students remain at home and to meet the needs of disadvantaged students when they return to school.

To accomplish this objective, the NJDOE must, at a minimum, require districts to submit CARES Act plans for State approval that identify and document the digital divide among vulnerable subgroups of students and demonstrate how the district will provide equitable access to continuous remote instruction to close that divide. Districts must be directed to demonstrate, with specificity, how the expenditures to be supported by CARES Act funds will address documented needs, such as securing internet connectivity and devices for all students' households and obtaining online learning platforms to deliver continuous instruction at home. Districts should be required to show how these funds will not only close the digital divide during the period of school closure, but also on a permanent basis.

Further, districts' CARES Act plans must demonstrate, with specificity, how each plan supports programs, services and practices that are research proven or reasonably expected to have

the greatest impact on reducing education inequities for disadvantaged student groups during the COVID-19 school closure, over the summer months, and once schools reopen. There are examples of best practices from states and school districts across the country designed to address these inequities that we would welcome the opportunity to share with the NJDOE.

Districts must also be required to provide maximum transparency on the planned uses of the CARES Act funds by posting plans, as approved by the NJDOE, on district websites, in languages accessible to all families. The NJDOE must also require the districts to report, with specificity, how the CARES Act funds reduced education technology resource gaps, increased access to and availability of continuous instruction through remote methods, improved teacher competencies in the delivery of curriculum and instruction through digital platforms, and provided meals and other support services to disadvantaged groups of students.

Finally, we strongly recommend sufficient funds be allocated from the Governor's Emergency Education Relief Fund to enable the NJDOE to provide detailed guidance and hands-on technical assistance to support districts in the preparation and implementation of the CARES Act plans. GEER funds must also be allocated for the NJDOE to promptly launch a statewide research initiative to collect and analyze data on the digital divide between high poverty and more affluent districts and among disadvantaged student groups during this period of school closure. And, most critically, the NJDOE must require, collect, analyze and disseminate data on the extent of student learning loss during school closure at all grade levels, including preschool, and among students with disabilities, English language learners, students of color and other at-risk groups of students. This data should be reported regularly, with recommendations for improvement, and provided to the Legislature. These reports are vital to inform your Administration's efforts, and those of the Legislature, to safely reopen schools with sufficient compensatory education resources to accelerate students' instructional progress as quickly as possible.

We offer these recommendations regarding the CARES Act federal emergency relief funds to ensure that New Jersey uses these additional resources to strengthen its commitment to educational equity. We stand ready to work with you to see that the needs of our most marginalized children are addressed during this

extraordinary time. Please let us know the best way to set up a meeting to discuss this with you in the near future.

Sincerely,

A handwritten signature in black ink, appearing to read "David Sciarra". The signature is fluid and cursive, with the first name "David" being more prominent than the last name "Sciarra".

David G. Sciarra, Esq.
Executive Director

Via Electronic Mail

Cc: Members of the New Jersey State Board of Education
Commissioner Lamont Repollet, Ed.D.
Assistant Commissioner Peggy McDonald, Student Services
Matt Platkin, Governor's Chief Counsel
George Helmy, Governor's Chief of Staff
Deborah Cornavaca, Deputy Chief of Staff of Outreach
Laura Console, Governor's Education Policy Advisor