



STATE OF NEW JERSEY

DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: October 7, 2020
To: Chief School Administrators, Charter School and Renaissance School Project Leads
Route To: ESEA Directors, Directors of Special Education, School Business Administrators
From: A. Charles Wright, Ed.D., Deputy Assistant Commissioner
Division of Student Services

Update to CARES Act Elementary and Secondary School Emergency Relief (ESSER) Fund Allocations

The New Jersey Department of Education (NJDOE) is pleased to announce the distribution of an additional \$26.4 million in CARES Act Elementary and Secondary School Emergency Relief (ESSER) funds above the allocations made on May 11 to be used by local educational agencies (LEAs).

The federal Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law on March 27, 2020 and provided for direct money to LEAs to address the areas most impacted by the disruption and closure of schools caused by COVID-19. On [May 11, 2020](#), the NJDOE released LEAs' Elementary and Secondary School Emergency Relief (ESSER) Fund allocations and grant applications to LEAs, along with detailed guidance on the allowable use of funds. The allocations to LEAs and equitable share calculations provided to LEAs were based on the [CARES Act ESSER guidance](#) issued by the United States Department of Education (USED), which were later incorporated into an interim final rule (IFR).

On [June 17, 2020](#), the NJDOE announced that it had earmarked a portion of its State set-aside to fund the difference between (1) the portion of each LEA's ESSER allocation the district must actually dedicate to equitable services for nonpublic schools (based on a nonpublic school's share of total enrollment in the LEA, in accordance with guidance issued by the USED), and (2) the portion of its ESSER allocation the LEA would have dedicated to equitable services if equitable shares were based on a nonpublic school's share of Title I-eligible students residing in the LEA.

On September 4, 2020, the United States District Court for the District of Columbia issued a [decision](#) and [order](#) vacating the USED's IFR, which incorporated the guidance on the allowable use of funds. On September 9, 2020, USED rescinded the guidance document. Secretary of Education Betsy DeVos further notified Chief State School Officers on September 25, 2020 that [USED would not take action](#) against States or local districts that followed the guidance and/or the IFR prior to notice of the court's decision.

The additional \$26,481,490 above the May 11 allocations to LEAs that the NJDOE is announcing today is composed of State set-aside and other ESSER funds held in reserve. The distribution of these funds will provide LEAs with more than the minimum 90 percent of ESSER funds required by the CARES Act, and also will ensure that LEAs receive sufficient funds to provide the equitable services that nonpublic school students have already received or are expected to receive based on the May 11 allocation.

Key steps/actions

Additional allocations of ESSER funds to LEAs will soon be available in the NJDOE's Electronic Web Enabled Grant ([EWEG](#)) system. New allocations are entirely for LEA use.

In order to ensure services to both public and nonpublic students are not impacted, the amounts currently allocated for equitable services will not change.

LEAs will not be required to amend their applications to change the use of funds allocated to nonpublic schools and reimbursements for any ESSER allocation, including services provided for nonpublic students, should continue. LEAs will be required to submit amendments to budget the additional ESSER funds being made available to public schools.

Contact information

Please contact Titleone@doe.nj.gov with questions regarding the ESSER grant application process.

c: Members, State Board of Education
Kevin Dehmer, Interim Commissioner of Education
NJDOE Staff
Statewide Parent Advocacy Network
Garden State Coalition of Schools
NJ LEE Group