

ASSEMBLY, No. 4890

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED NOVEMBER 21, 2022

Sponsored by:

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblywoman SADAF F. JAFFER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

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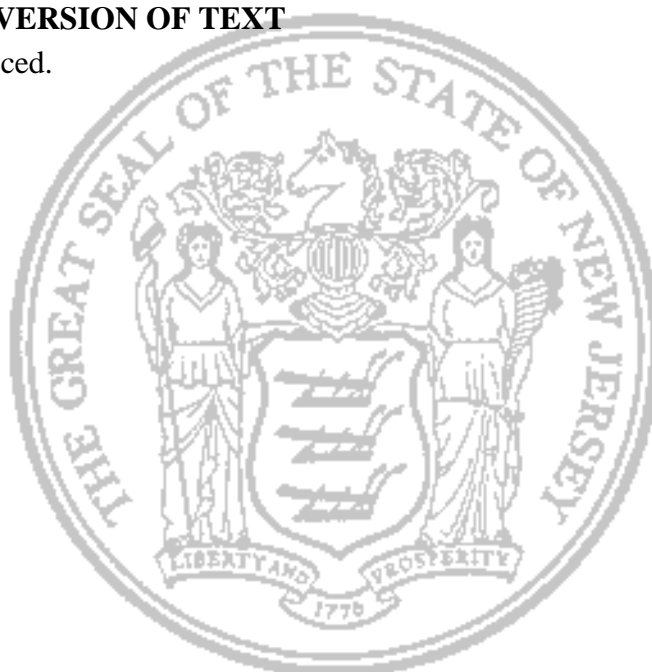
**Assemblymen Umba, Benson, Assemblywoman Quijano and Assemblyman
Wimberly**

SYNOPSIS

Establishes High Efficiency Accelerated Learning Grant Program and Tutoring Advisory Commission.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/16/2023)

1 AN ACT establishing the High Efficiency Accelerated Learning
2 Grant Program and the Tutoring Advisory Commission and
3 supplementing chapter 6 of Title 18A of the New Jersey Statutes.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. As used in this act, “Local education provider” means a
9 public school district, charter school or renaissance school project,
10 or a partnership between a public school district, charter school or
11 renaissance school project and one or more public school districts,
12 charter schools, renaissance school projects, or nonpublic schools.
13

14 2. a. There is established the Tutoring Advisory Commission in,
15 but not of, the Department of Labor and Workforce Development.
16 It shall be the purpose of the commission to oversee and evaluate
17 the “High Efficiency Accelerated Learning Grant Program”
18 established pursuant to section 4 of this act.

19 b. The commission shall be comprised of 17 members, as
20 follows:

21 (1) the Commissioner of Education or a designee, who shall
22 serve ex officio;

23 (2) a representative of the New Jersey State Board of Education,
24 appointed by the Governor;

25 (3) a representative of the New Jersey Council of County
26 Vocational-Technical Schools, appointed by the Governor;

27 (4) a representative of the New Jersey Tutoring Corps,
28 appointed by the Governor;

29 (5) a representative of the New Jersey State Chamber of
30 Commerce, appointed by the Governor; and

31 (6) 12 members from the following list, of which four members
32 shall be appointed by the President of the Senate, four members
33 shall be appointed by the Speaker of the General Assembly, two
34 members shall be appointed by the Minority Leader of the Senate
35 and two members shall be appointed by the Minority Leader of the
36 General Assembly:

37 (a) a teacher representative;

38 (b) a parent representative;

39 (c) a local school board representative;

40 (d) a charter or renaissance school representative;

41 (e) a nonpublic school representative;

42 (f) a school administrator;

43 (g) a representative of the New Jersey Business and Industry
44 Association;

45 (h) a representative from an educator preparation program;

46 (i) a representative with experience working with or advocating
47 for SDA districts, as defined in section 3 of P.L.2000, c.72
48 (C.18A:7G-3);

1 (j) a representative with experience working in special education;

2 (k) a representative with experience administering tutoring
3 programs; and

4 (l) a representative from an afterschool or summer community
5 program provider.

6 c. Members of the commission shall be appointed no later than
7 45 days following the date of enactment of this act. Members shall
8 serve five year terms of appointment. Any vacancy in the
9 membership shall be filled in the same manner as the original
10 appointment.

11 d. The commission shall organize as soon as practicable, but not
12 more than 45 days after the appointment of a majority of its
13 members. Upon its organization, the commission shall select a
14 chairperson from among its membership, and the chairperson shall
15 appoint a secretary, who need not be a member of the commission.

16 e. The commission shall meet at the times and places designated
17 by the chair, but not less than twice per year. The commission may
18 conduct business without a quorum, but may only vote on
19 recommendations when a quorum is present.

20 f. The members of the commission shall serve without
21 compensation, but may be reimbursed for travel and other
22 miscellaneous expenses incurred in the necessary performance of
23 their duties, within the limits of funds made available to the
24 commission for its purposes.

25 g. The department shall provide professional, stenographic, and
26 clerical staff, support, and resources to the commission, as may be
27 necessary to ensure the proper effectuation of the commission's
28 duties under this act. The department may hire staff necessary for
29 the function of the commission, including at least two full-time
30 equivalent positions to review, approve, and advise on tutoring
31 programs and commission operations.

32 h. The commission shall maintain an Internet website which
33 shall provide, at a minimum, grant application procedures, grant
34 selection criteria, and any reports produced pursuant to section 8 of
35 this act.

36

37 3. The duties of the Tutoring Advisory Commission shall
38 include, but need not be limited to, the following:

39 a. developing and releasing program guidelines and a grant
40 application process;

41 b. reviewing and approving applications to participate in the
42 grant program;

43 c. establishing criteria and standards for determining the success
44 of the grant program;

45 d. providing guidance and support to local education providers
46 establishing new tutoring programs as part of the grant program;

1 e. evaluating the performance of participating local education
2 providers to determine if the tutoring programs meet the criteria
3 needed to earn a satisfactory rating;

4 f. working with local education providers whose tutoring
5 programs do not meet the criteria needed to earn a satisfactory
6 rating, and assisting the local education providers in revising the
7 tutoring programs to ensure program improvement to become
8 eligible to participate in the grant program again; and

9 g. preparing and submitting reports to the Governor and the
10 Legislature regarding the outcomes of the grant program pursuant to
11 section 8 of this act.

12 The commission shall treat any information received in the
13 course of its duties that may contain personally identifiable
14 information regarding students, parents, and others from whom
15 information is acquired, as confidential.

16

17 4. a. The Tutoring Advisory Commission shall establish and
18 administer the High Efficiency Accelerated Learning Grant
19 Program. The purpose of the program shall be to provide high-
20 impact tutoring opportunities to students around the State in order
21 to mitigate the effect of learning loss or interrupted learning as a
22 result of the COVID-19 public health emergency.

23 b. The grant program shall support high-impact tutoring
24 programs implemented by local education providers. The tutoring
25 programs shall meet, at a minimum, the following criteria:

26 (1) tutoring shall be offered in English language arts and
27 mathematics and shall be offered to students in all grades taught by
28 the local education provider from preschool through grade 12;

29 (2) tutoring groups shall contain no more than five students;

30 (3) tutoring groups shall meet at least three times per week;

31 (4) tutoring shall occur at a time and in a setting that facilitates
32 and promotes learning;

33 (5) tutoring groups shall be led by high-quality trained tutors;

34 (6) to the greatest extent possible, tutoring groups shall be led
35 by the same tutor throughout the marking period, or its equivalent;

36 and

37 (7) tutoring shall be data-driven and the program shall include
38 interim assessments to monitor students' progress.

39 c. A local education provider may partner with a nonprofit
40 organization or a community-based organization, provided that:

41 (1) the organization implements a tutoring program;

42 (2) the organization applies for a grant on behalf of the local
43 education provider; and

44 (3) the local education provider contributes at least 50 percent of
45 the funding for the tutoring program.

46 d. Tutoring programs may be offered during school hours and on
47 school premises or as after school or before school programs.
48 Tutoring programs also may be offered over the summer. The grant

1 program shall encourage local education providers to think
2 creatively about the scheduling of tutoring sessions. Tutoring
3 sessions shall supplement, not replace, classroom learning.

4 e. A student who is designated by a participating local education
5 provider as underperforming, or who is not meeting grade-level
6 expectations in the subjects for which the district offers high-impact
7 tutoring, shall automatically be enrolled to participate in the
8 tutoring program. A parent or guardian may opt their child out of
9 the program. Local education providers shall provide the parents or
10 guardians of an underperforming student who opts out of the high-
11 impact tutoring program with additional resources to address
12 learning loss. Students who are meeting or exceeding grade-level
13 expectations in the subjects for which the district offers high-impact
14 tutoring shall have the opportunity to opt in to the tutoring program.

15

16 5. a. A local education provider wishing to participate in the
17 grant program shall submit an application to the Tutoring Advisory
18 Commission in a form prescribed by the commission. An
19 application shall include, but not limited to:

20 (1) a detailed description of the tutoring program and how it
21 addresses the elements of a high-impact tutoring program described
22 in section 4 of this act;

23 (2) a list of the subjects and grade levels to be available for
24 tutoring;

25 (3) a description of how tutoring shall be delivered and how the
26 delivery accommodates the possibility of virtual or remote
27 instruction;

28 (4) information about whether tutors will follow a prescribed
29 curriculum;

30 (5) a description of how tutoring will be incorporated into daily
31 learning, if tutoring is intended to be scheduled during the school
32 day;

33 (6) a description of the goals of the program and a method of
34 measuring student academic success and program outcomes;

35 (7) a description of the methods to be used to identify
36 underperforming students for participation in the tutoring program;

37 (8) the number of students able to be supported by the tutoring
38 program and the number of students expected to participate, if
39 different;

40 (9) a description of how tutoring groups will be formed;

41 (10) a description of how the local education provider intends to
42 recruit and support tutors;

43 (11) whether the local education provider intends to create a
44 new tutoring program or partner with an existing community
45 provider;

46 (12) the projected per pupil and aggregate cost of implementing
47 the tutoring program; and

48 (13) any other information the commission deems necessary.

1 b. Grant awards shall be allocated to local education providers
2 on a competitive basis, in a manner to be determined by the
3 commission. In determining grant recipients, the commission shall
4 consider, at minimum, the local education provider's plan with
5 respect to the alignment with elements of high impact tutoring
6 programs, the potential number of students impacted by the
7 program, the need of the local education provider to supplement
8 classroom learning to address learning loss, and the estimated cost
9 of implementing the program by the local education provider. The
10 commission shall give preference to applications for programs that:

11 (1) are planned to function for more than five years and can
12 continue to operate beyond the duration of the grant;

13 (2) occur within regular school hours; or

14 (3) partner with a certified educator preparation program within
15 the State to utilize teaching candidates as tutors.

16 c. To the extent possible, the commission shall select grant
17 recipients from the northern, central and southern regions of the
18 State, and shall seek a cross section of local education providers
19 from urban, suburban, and rural areas.
20

21 6. a. Local education providers may employ as tutors under the
22 grant program: public or nonpublic school teachers,
23 paraprofessionals, or school administrative staff; community
24 providers of tutoring services; AmeriCorps members; candidates in
25 certified educator preparation programs; or any other individual
26 with training to provide tutoring services. Local education
27 providers shall have authority over who may be hired as a tutor
28 under the program and may partner with community providers of
29 tutoring services.

30 Notwithstanding the provisions of R.S.52:14-7 to the contrary,
31 any individual hired as a tutor under the grant program shall not be
32 required to have or maintain a principal residence in the State
33 unless required to do so as a condition of another position of
34 employment. Individuals employed as tutors under the grant
35 program shall be required to adhere to all laws relating to the health
36 and safety of students and all anti-discrimination laws.

37 b. The Tutoring Advisory Commission is encouraged to provide
38 information about teaching pathways to individuals employed as
39 tutors under the grant program.
40

41 7. The Tutoring Advisory Commission shall develop and release
42 program guidelines and a grant application process for the High
43 Efficiency Accelerated Learning Grant Program within 90 days of
44 the appointment of a majority of the members of the commission.
45

46 8. a. Any local education provider participating in the High
47 Efficiency Accelerated Learning Grant Program shall conduct an
48 annual evaluation of the tutoring program implemented according to

1 the criteria developed by the Tutoring Advisory Commission
2 pursuant to section 3 of this act. The evaluation shall include a
3 report that provides the following information:

- 4 (1) the number of students who participated in the tutoring
5 program and non-identifying demographic information;
6 (2) academic achievement results of participating students;
7 (3) the impact of student outcomes after participating in the
8 tutoring program;
9 (4) a description of how the local education provider maintained
10 consistent access to tutoring sessions for all participating students;
11 (5) a breakdown of the use of any grant funding provided;
12 (6) a description of any adjustments made to the program plan
13 submitted in the application, why the adjustments were necessary,
14 and the outcome of the adjustments; and
15 (7) any other information deemed necessary by the commission.

16 The report shall be made publicly available on the local education
17 provider's Internet website in a timely manner.

18 b. Any local education provider whose tutoring program does
19 not meet the standards necessary to earn a satisfactory rating based
20 on the criteria established by the commission pursuant to section 3
21 of this act shall be ineligible to be a recipient of the High Efficiency
22 Accelerated Learning Grant unless the local education provider
23 works with the commission to ensure program improvement and
24 become eligible.

25 c. No later than July 31 following the completion of the first
26 year of the High Efficiency Accelerated Learning Grant Program,
27 the Tutoring Advisory Commission shall submit a report to the
28 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
29 19.1), to the Legislature. The report shall contain a summary of
30 Statewide program results and guidelines for best practices and
31 shall be distributed to all public school districts, charter schools,
32 renaissance schools, and nonpublic schools and posted on the
33 commission's Internet website.

34 d. No later than July 31 following the completion of the fifth
35 year of the High Efficiency Accelerated Learning Grant Program,
36 the Tutoring Advisory Commission shall submit a report to the
37 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
38 19.1), to the Legislature. The report shall describe the impacts of
39 COVID-19 related learning loss in the State, the impacts of
40 accelerated learning programs intended to address learning loss,
41 including the High Efficiency Accelerated Learning Grant Program,
42 and recommendations for policies to continue implementing
43 accelerated learning programs.

44
45 9. a. There is created a non-lapsing, revolving fund known as
46 the High Efficiency Accelerated Learning Grant Fund. All monies
47 annually appropriated by the Legislature, any federal or other grants
48 received by the State, and any other monies made available for the

1 purposes of the grant program shall be deposited in the fund.
2 Monies deposited in the fund shall be used by the Tutoring
3 Advisory Commission to provide funding for grants awarded under
4 the grant program.

5 b. Grant funds shall be awarded to participating local education
6 providers on a matching basis, subject to the limits of available
7 funding. Per student costs proposed by the local education providers
8 for supplemental tutoring programs scheduled during the school day
9 and on school premises shall be matched at 100 percent. Per student
10 costs proposed by the local education providers for tutoring
11 programs scheduled before or after school hours or during the
12 summer shall be matched at 50 percent. Any matching funds that
13 are unexpended at the end of the State fiscal year shall revert to the
14 State.

15 c. The commission shall determine allowable uses for grant
16 funds prior to accepting applications to participate in the grant
17 program and shall describe the allowable uses in a Notice of Grant
18 Opportunity.

19
20 10. The Tutoring Advisory Commission may utilize any federal
21 or State funds allocated for the remediation of COVID-19 related
22 learning loss, and any federal or State funds which are available for
23 accelerated learning or workforce development programs for the
24 High Efficiency Accelerated Learning Grant Program. The
25 Legislature may appropriate additional funds to the High Efficiency
26 Accelerated Learning Grant Fund as it may deem necessary. The
27 commission shall be authorized to seek and accept gifts, grants or
28 donations from private or public sources for deposit in the High
29 Efficiency Accelerated Learning Grant Fund, except that the
30 commission may not accept a gift, grant, or donation that is subject
31 to conditions that are inconsistent with any other law of this State.

32
33 11. This act shall take effect immediately.
34
35

36 STATEMENT

37
38 This bill would establish the High Efficiency Accelerated
39 Learning Grant Program to provide high-impact tutoring
40 opportunities to students in the State in order to mitigate the effect
41 of learning loss or interrupted learning as a result of the COVID-19
42 public health emergency. The bill would also establish the Tutoring
43 Advisory Commission, which would oversee and evaluate the grant
44 program.

45 The High Efficiency Accelerated Learning Grant Program would
46 support local education providers, defined as a public school
47 district, charter school or renaissance school project, or a
48 partnership between a public school district, charter school or

1 renaissance school project and one or more public school districts,
2 charter schools, renaissance school projects, or nonpublic schools,
3 in creating and implementing high-impact tutoring programs.

4 Each tutoring program would be required to meet certain
5 minimum criteria, including: (1) offering tutoring in English
6 language arts and mathematics and in all grade levels taught by the
7 district; (2) placing no more than five students in each tutoring
8 group; (3) providing tutoring at least three times per week; (4)
9 providing tutoring at a time and in a setting which facilitates and
10 promotes learning; (5) providing high-quality trained tutors; (6)
11 ensuring that tutors remain the same, to the greatest extent possible,
12 for each group throughout the marking period, or its equivalent; and
13 (7) using data and interim assessments to monitor student progress.
14 Tutoring programs could be offered during school hours on school
15 premises or as after or before school programs, or as summer
16 programs. Students designated as underperforming by the local
17 education provider, or who are not meeting grade level
18 expectations, would be automatically enrolled in the tutoring
19 program, and other students would have the ability to opt in.
20 Parents or guardians would have the ability to opt their child out of
21 the program.

22 A local education provider wishing to participate in the grant
23 program would submit an application to the Tutoring Advisory
24 Commission in a manner prescribed by the commission. The
25 application would be required to include: (1) a detailed description
26 of the tutoring program; (2) a list of subjects and grade levels to be
27 taught; (3) a description of how tutoring would be delivered and
28 accommodations for remote learning; (4) information about whether
29 tutors would follow a prescribed curriculum; (5) a description of
30 how tutoring would be incorporated into daily learning if offered
31 during the school day; (6) a description of program goals and
32 method of measuring student academic success and program
33 outcomes; (7) a description of the methods to be used to identify
34 underperforming students; (8) the number of students able to
35 participate in the program; (9) a description of how tutoring groups
36 will be formed; (10) a description of methods to recruit and support
37 tutors; (11) information about whether the local education provider
38 intends to create a new tutoring program or partner with an existing
39 community provider; and (12) the projected per pupil and aggregate
40 cost of implementing the tutoring program. The commission would
41 select grant recipients on a competitive basis, but would give
42 preference to programs that are set up to function for more than five
43 years and could continue beyond the duration of the grant, programs
44 that occur within regular school hours, or programs the partner with
45 a certified educator preparation program within the State to utilize
46 teaching candidates as tutors.

47 Under the bill, local education providers would be allowed to
48 employ as tutors under the grant program: public or nonpublic

1 school teachers, paraprofessionals, or school administrative staff;
2 community providers of tutoring services; AmeriCorps members;
3 candidates in certified educator preparation programs; or any other
4 individual with training to provide tutoring services. Tutors would
5 not be subject to the New Jersey First Act but would be required to
6 adhere to all laws relating to the health and safety of students and
7 all antidiscrimination laws. The Tutoring Advisory Commission
8 would be encouraged to provide information about teaching
9 pathways to individuals employed as tutors.

10 The bill would also establish the Tutoring Advisory Commission
11 in, but not of, the Department of Labor and Workforce
12 Development. The commission would establish, implement and
13 evaluate the grant program. The commission would be comprised of
14 17 members, including the Commissioner of Education or a
15 designee, a representative from the New Jersey State Board of
16 Education, a representative from the New Jersey Council of County
17 Vocational-Technical Schools, a representative of the New Jersey
18 Tutoring Corps, a representative of the New Jersey State Chamber
19 of Commerce, and 12 members appointed by the President of the
20 Senate, the Speaker of the General Assembly, the Minority Leader
21 of the Senate and the Minority Leader of the General Assembly.
22 Members of the commission would serve without compensation, but
23 may be reimbursed for certain expenses incurred in the necessary
24 performance of their duties. The department would provide staff,
25 support, and resources to the commission, and the department
26 would be permitted to hire staff necessary for the function of the
27 commission, including at least two full-time equivalent positions to
28 review, approve and advise on tutoring programs and commission
29 operations.

30 The duties of the Tutoring Advisory Commission would include:
31 (1) developing and releasing program guidelines and a grant
32 application process; (2) reviewing and approving applications to
33 participate in the grant program; (3) establishing criteria and
34 standards for determining the success of the grant program; (4)
35 providing guidance and support to local education providers
36 developing new tutoring programs; (5) evaluating the performance
37 of participating local education providers; (6) working with local
38 education providers whose tutoring programs do not meet the
39 criteria needed to earn a satisfactory rating to ensure program
40 improvement; and (7) preparing and submitting reports to the
41 Governor and the Legislature regarding the outcomes of the grant
42 program.

43 The bill would require local education providers to report certain
44 information about the implementation of the tutoring program to the
45 Tutoring Advisory Commission and would require the commission
46 to submit certain reports to the Governor and the Legislature.

47 The bill would establish a fund for the grant program and
48 stipulates that grants would be awarded on a matching basis, within

1 the limits of available funds. The bill would permit the Tutoring
2 Advisory Commission to utilize any federal or State funds allocated
3 for the remediation of COVID-19 related learning loss, and any
4 federal or State funds which are available for accelerated learning
5 or workforce development programs for the High Efficiency
6 Accelerated Learning Grant Program, and would permit the
7 commission to seek and accept certain gifts, grants, and donations.

8 The COVID-19 public health emergency impacted learning for
9 all students and is likely to have long-term educational and
10 economic impacts on current students of all ages. The effects of the
11 public health emergency have worsened pre-pandemic trends of
12 growing disparities in learning outcomes between the highest and
13 lowest-performing schools. Research shows that accelerated
14 learning programs, also called high-dosage tutoring, are the most
15 effective tool for mitigating learning loss. It is the sponsor's belief
16 that the State must invest in learning recovery efforts in order to
17 ensure all students receive a thorough and efficient education.

18 In addition to the COVID-19 public health emergency, schools
19 throughout the State have been affected by teacher shortages. It is
20 the sponsor's belief that tutoring programs that are embedded in the
21 classroom and partner with teacher preparation programs can both
22 reduce teachers' workload burdens and increase a teaching
23 candidate's preparedness for being in the classroom, and
24 consequently these programs are an invaluable workforce
25 development tool. It is also the sponsor's belief that a well-
26 established tutor-to-teacher pipeline can help keep teachers in the
27 profession and attract teaching candidates to the State.