

18A:36C-14 to 18A:36C-19

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2013 **CHAPTER:** 149

NJSA: 18A:36C-14 to 18A:36C-19 (Makes various changes to the Urban Hope Act including the financing and siting of renaissance school projects)

BILL NO: S2821 (Substituted for A4194)

SPONSOR(S) Norcross and others

DATE INTRODUCED: May 30, 2013

COMMITTEE: **ASSEMBLY:** ---

SENATE: Education
 Budget and Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 27, 2013

SENATE: June 27, 2013

DATE OF APPROVAL: August 19, 2013

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First reprint enacted) Yes

S2821

SPONSOR’S STATEMENT (Begins on page 9 of introduced bill): Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A4149

SPONSOR’S STATEMENT: (Begins on page 9 introduced bill): Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

(continued)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Charter change brings concerns," The Philadelphia Inquirer, 8-21-13

LAW/KR

P.L.2013, CHAPTER 149, *approved August 19, 2013*
Senate, No. 2821 (*First Reprint*)

1 AN ACT concerning renaissance school projects and amending and
2 supplementing P.L.2011, c.176.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 3 of P.L.2011, c.176 (C.18A:36C-3) is amended to
8 read as follows:

9 3. As used in this act:

10 "Commissioner" means the Commissioner of Education.

11 "Failing district" means: in accordance with data from the
12 Statewide assessment reports issued by the Department of
13 Education (1) in the case of a school district located in a city of the
14 first class, a school district in which at least 40% of the students
15 scored in the partially proficient range in the language arts and
16 mathematics sections of each State assessment administered in the
17 2009-2010 school year; and (2) in the case of a school district
18 located in a city of the second class, a school district in which at
19 least 45% of the students scored in the partially proficient range in
20 the language arts and mathematics sections of each State assessment
21 administered in the 2009-2010 school year.

22 "Per pupil expenditure" means the sum of the budget year
23 equalization aid per pupil, budget year adjustment aid per pupil, and
24 the prebudget year general fund tax levy per pupil inflated by the
25 CPI rate most recent to the calculation.

26 "School facility" means and includes any structure, building, or
27 facility used wholly or in part for educational purposes by the
28 students of a school district.

29 "Renaissance school district" is a failing district in which
30 renaissance school projects shall be established.

31 "Renaissance school project" means a newly-constructed school,
32 or group of schools in **【a common campus setting】** an urban
33 campus area, that provides an educational program for students
34 enrolled in grades **【K】** pre-K through 12 or in a grade range less
35 than **【K】** pre-K through 12, that is agreed to by the school district,
36 and is operated and managed by a nonprofit entity in a renaissance
37 school district. A renaissance school project may include a

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted June 24, 2013.

1 dormitory and related facilities as permitted pursuant to section 5 of
2 P.L.2011, c.176 (C.18A:36C-5).

3 “Urban campus area” means the area within a ¹[two-mile] 1.5-
4 mile¹ radius of the site of the initial school of a renaissance school
5 project ¹, except that a high school building which is part of the
6 renaissance school project may be located within a two-mile radius
7 of the site of the initial school of a renaissance school project¹.

8 (cf: P.L.2011, c.176, s.3)

9

10 2. Section 4 of P.L.2011, c.176 (C.18A:36C-4) is amended to
11 read as follows:

12 4. a. A nonprofit entity, in partnership with the renaissance
13 school district, may submit to the commissioner an application to
14 create a renaissance school project no later than three years
15 following the effective date of this act. A nonprofit entity seeking
16 to create a renaissance school project shall have experience in
17 operating a school in a high-risk, low-income urban district. In
18 addition, an entity retained by the nonprofit entity for the purpose
19 of financing or constructing the renaissance school project shall
20 also have appropriate experience.

21 b. The application shall be in a form prescribed by the
22 commissioner, but at a minimum it shall contain the following:

23 (1) except as otherwise provided in this paragraph, a resolution
24 adopted in a public meeting by the board of education of the
25 renaissance school district in which the renaissance school project
26 will be located certifying the support of the board for the
27 application. In the case of a district under full or partial State
28 intervention with an advisory board of education, the application
29 shall contain evidence that that State district superintendent or
30 superintendent, as applicable, convened at least three public
31 meetings to discuss the merits of the renaissance school project.
32 The evidence shall include, at a minimum, any written public
33 comments received during those meetings. In the case of these
34 districts, the application shall contain a resolution from the advisory
35 board of education reflecting the board's approval or disapproval of
36 the renaissance school project. While a successful application does
37 not require approval from the advisory board of education, the
38 commissioner, in considering the application, shall give due
39 consideration to any disapproval from the advisory board;

40 (2) a copy of the amendment to the renaissance school district's
41 long-range facilities plan which has been submitted to the
42 commissioner pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4)
43 that includes the proposed renaissance school project;

44 (3) the educational goals of the renaissance school project, the
45 curriculum to be offered, and the methods of assessing whether
46 students are meeting the proffered educational goals;

- 1 (4) any testing and academic performance standards to be
2 mandated by the renaissance school project beyond those required
3 by State law and regulation;
- 4 (5) the admission policy and criteria for evaluating the
5 admission of students to the renaissance school project, which shall
6 comply with the provisions of section 8 of this act;
- 7 (6) the age or grade range of students to be enrolled in the
8 renaissance school project;
- 9 (7) the total number of students to be enrolled in each grade
10 level of the renaissance school project;
- 11 (8) the renaissance school project calendar and school day
12 schedule;
- 13 (9) the financial plan for the renaissance school project and the
14 provisions that will be made for auditing pursuant to N.J.S.18A:23-
15 1;
- 16 (10) a description of **【**, and address for,**】** ¹, and address for,¹ the
17 'initial' school facility ¹**【**or facilities**】**¹ in which the renaissance
18 school project will be located ¹and an affirmation that any other
19 school facility or facilities in which the renaissance school project
20 will be located will be in the required urban campus area. For any
21 school facility other than the initial school facility included in the
22 application pursuant to this paragraph, the nonprofit entity shall
23 notify the Commissioner of Education of the location of the facility
24 at least one year prior to the opening of the facility¹;
- 25 (11) documentation that the proposed renaissance school project
26 meets **【**the facilities efficiency standards developed by the
27 commissioner pursuant to subsection h. of section 4 of P.L.2000,
28 c.72 (C.18A:7G-4), and**】** any school facility regulations
29 promulgated by the State Board of Education or the Department of
30 Community Affairs, other than the facilities efficiency standards
31 developed by the Commissioner of Education pursuant to
32 subsection h. of section 4 of P.L.2000, c.72 (C.18A:7G-4);
- 33 (12) documentation of **【**the funds available to construct the
34 renaissance school project**】** a funding plan to acquire necessary
35 lands and to construct a renaissance school project thereon,
36 including the terms of any financing secured for such purpose;
- 37 (13) **【**if the renaissance school project includes the acquisition
38 of land, the application shall include, at a minimum: (a) a
39 description of the land to be acquired; (b) the costs of acquisition;
40 (c) the timetable for acquisition; and (d) the plan for financing the
41 acquisition;**】** (Deleted by amendment, P.L. , c.) (pending before
42 the Legislature as this bill)
- 43 (14) identification of the attendance area of the renaissance
44 school project, if the renaissance school project will not be built on
45 land owned by the New Jersey Schools Development Authority or
46 the renaissance school district;

1 (15) a description of the process employed by the renaissance
2 school district to find and partner with the chosen nonprofit entity
3 to create a renaissance school project. The description shall be
4 sufficient to show that the process employed by the renaissance
5 school district was open, fair, and subject to public input and
6 comment. The description shall, at a minimum, include any
7 requests for proposals issued by the renaissance school district, the
8 number of responses received, and the process and criteria
9 employed by the renaissance school district to select the chosen
10 nonprofit entity among the respondents; and

11 (16) such other information as the commissioner may require.
12 (cf: P.L.2011, c.176, s.4)

13

14 3. Section 5 of P.L.2011, c.176 (C.18A:36C-5) is amended to
15 read as follows:

16 5. The commissioner may not approve more than four
17 renaissance school projects in any one renaissance school district.
18 The commissioner may approve no more than one renaissance
19 school project with a dormitory and related facilities in any one
20 renaissance school district. Nothing in this act shall prohibit a
21 renaissance school project that provides an educational program for
22 a grade range less than **[K]** pre-K through 12 from expanding grade
23 levels after the approval by the commissioner of the initial
24 application.

25 In reviewing and judging applications for renaissance school
26 projects, the factors considered by the commissioner may include,
27 but not be limited to:

28 a. The likelihood that the renaissance school project will
29 improve academic achievement in the renaissance school district;

30 b. The strength of the support for the renaissance school project
31 from the school district, board of education, and parents;

32 c. The facilities plan for the renaissance school project;

33 d. Diversity of school type, elementary school, middle school,
34 and high school, among the proposed renaissance school projects;
35 and

36 e. Any other factors deemed significant by the commissioner.

37 (cf: P.L.2011, c.176, s.5)

38

39 4. Section 8 of P.L.2011, c.176 (C.18A:36C-8) is amended to
40 read as follows:

41 8. a. (1) In the case of a renaissance school project built on
42 land owned by the New Jersey Schools Development Authority or
43 the renaissance school district, students residing in the attendance
44 area established by the renaissance school district for that property
45 shall be automatically enrolled in the renaissance school project,
46 except as otherwise provided in paragraph (2) of this subsection.

47 The parent or guardian of the student may determine not to enroll
48 the student in the renaissance school project, and in that case the

1 student shall be eligible for enrollment in another school in the
2 renaissance school district. If spaces remain available in the
3 renaissance school project, students shall be selected for the
4 remaining spaces through a lottery system. The first lottery shall
5 include students who ¹['attend a public school'] reside¹ in the
6 renaissance school district but ¹['reside']¹ outside the attendance
7 area of the renaissance school. If space remains available, a second
8 lottery shall be conducted that may include students who reside
9 outside of the renaissance school district.

10 (2) A renaissance school project built on land owned by the
11 New Jersey Schools Development Authority or the renaissance
12 school district, shall allow any student who was enrolled in the
13 renaissance school project in the immediately preceding school year
14 to enroll in the renaissance school project in the appropriate grade
15 unless the appropriate grade is not offered; and if a grade is at
16 capacity, a student enrolled in the immediately preceding school
17 year shall have priority for enrollment in that grade over a student
18 who would otherwise be eligible for initial enrollment in the
19 renaissance school project automatically based on the fact that he
20 resides in the attendance area established by the renaissance school
21 project for that property.

22 b. (1) In the case of a renaissance school project which is not
23 built on land owned by the New Jersey Schools Development
24 Authority or the renaissance school district, preference for
25 enrollment in the renaissance school project shall be given to
26 students who reside in the attendance area identified in the
27 application submitted by the nonprofit entity and approved by the
28 commissioner for the renaissance school project. In no case may an
29 attendance area include an area outside of the renaissance school
30 district. If spaces remain available in the renaissance school
31 project, then the renaissance school project may select students for
32 the remaining spaces through a lottery system. The first lottery
33 shall include students who ¹['attend a public school'] reside¹ in the
34 renaissance school district but ¹['reside']¹ outside the attendance
35 area identified in the application approved by the commissioner for
36 the renaissance school project. If space remains available, a second
37 lottery shall be conducted that may include students who reside
38 outside of the renaissance school district.

39 (2) A renaissance school project which is not built on land
40 owned by the New Jersey Schools Development Authority or the
41 renaissance school district shall allow any student who was enrolled
42 in the renaissance school project in the immediately preceding
43 school year to enroll in the renaissance school project in the
44 appropriate grade unless the appropriate grade is not offered.

45 In developing and executing its selection process, the nonprofit
46 entity shall not discriminate on the basis of intellectual or athletic
47 ability, measures of achievement or aptitude, status as a
48 handicapped person, proficiency in the English language, or any

1 other basis that would be illegal if used by a school district. A
2 nonprofit entity may, however, limit admission to a particular grade
3 level or levels consistent with its organizational document.
4 (cf: P.L.2011, c.176, s.8)

5
6 5. (New section) A renaissance school project shall comply
7 with the provisions of chapter 46 of Title 18A of the New Jersey
8 Statutes concerning the provision of services to students with
9 disabilities; except that the fiscal responsibility for any student
10 currently enrolled in or determined to require a private day or
11 residential school shall remain with the district of residence.

12 Within 15 days of the signing of the individualized education
13 plan, a renaissance school project shall provide notice to the
14 resident district of any individualized education plan which results
15 in a private day or residential placement. The resident district may
16 challenge the placement within 30 days in accordance with the
17 procedures established by law.

18
19 6. (New section) A renaissance school project shall be a local
20 education agency only for the purpose of applying for federal
21 entitlement and discretionary funds.

22
23 7. (New section) ¹[a. Notwithstanding the provisions of
24 N.J.S.18A:24-10 or any other section of law to the contrary, the
25 board of education of a Type II renaissance school district without a
26 board of school estimate may issue bonds without the approval of
27 the voters of the district in order to finance the construction of a
28 renaissance school project. In the case of a Type I renaissance
29 school district or a Type II renaissance school district with a board
30 of school estimate, notwithstanding the provisions of N.J.S.18A:24-
31 11, N.J.S.18A:24-12, or any other section of law to the contrary,
32 such bonds may be issued by the municipality without the approval
33 of the board of school estimate or the adoption of a municipal
34 ordinance as applicable. In the case of a school district under full
35 State intervention or partial State intervention in which the
36 governance component of school district effectiveness has not been
37 returned to the district, notwithstanding the provisions of P.L.1991,
38 c.139 (C.18A:7A-46.1 et seq.) or any other section of law to the
39 contrary, such bonds may be issued without the approval of the
40 capital project control board.

41 The issuance of the bonds shall be approved by the board of
42 education of the renaissance school district, or the State district
43 superintendent in the case of a school district under full State
44 intervention or partial State intervention in which the governance
45 component has not been returned to the district. The approval shall
46 be evidenced by the adoption of a resolution by the board of
47 education in a public meeting upon an affirmative vote of two-
48 thirds of its full membership certifying the support of the board for

1 the issuance of the bonds, or if the school district is under full or
2 partial State intervention and the governance component has not
3 been returned to the district, a certification, affidavit, or other sworn
4 statement signed by the State district superintendent supporting the
5 issuance.

6 b. Notwithstanding the provisions of any law to the contrary, a
7 county or county improvement authority may issue bonds in order
8 to finance the construction of a renaissance school project.

9 c. Notwithstanding the provisions of N.J.S.18A:22-20,
10 N.J.S.18A:22-30, or any other section of law to the contrary, the
11 principal of and interest on the bonds issued pursuant to this section
12 shall be repaid with funds of the entity or entities owning or
13 operating the renaissance school project for which the bonds have
14 been issued, except as otherwise provided by subsection d. of this
15 section. To secure the repayment of the principal of and interest on
16 the bonds issued pursuant to this section, the board of education, the
17 State district superintendent, the municipality, the county, or the
18 county improvement authority, as applicable, shall enter into an
19 agreement with the entity or entities owning or operating the
20 renaissance school project, which agreement shall include the total
21 amount of bonded indebtedness to be repaid, the schedule of
22 required debt service payments, and the total amount of each
23 individual debt service payment. The commissioner shall approve
24 any agreement entered into pursuant to this section prior to the
25 issuance of the bonds.

26 d. Bonds issued by a school district, municipality, or county to
27 finance a renaissance school project pursuant to this section, shall
28 be entitled to the benefits of the "New Jersey School Bond Reserve
29 Act," P.L.1980, c.72 (C.18A:56-17 et seq.).

30 e. The provisions of P.L.1969, c.130 (C.18A:24-61.1 et seq.)
31 shall be applicable to bonds issued pursuant to this section.

32 f. ¹In the event the authorization to operate a renaissance school
33 project is terminated or expires for any reason, and no substitute or
34 replacement owner or operator for that renaissance school project
35 has been approved by the State prior to the termination or
36 expiration date, title to the renaissance school project shall revert to
37 the board of education of the renaissance school district for
38 consideration in an amount calculated as follows:

39 (1) if the principal of and interest due on any outstanding
40 ¹**[bonds issued pursuant to this section]** debt used¹ to finance the
41 renaissance school project is equal to or greater than the fair market
42 value of the renaissance school project, as determined by a certified
43 appraiser agreed to by the renaissance school district and the owner
44 of the renaissance school project, the renaissance school district
45 shall assume any outstanding ¹**[bonds issued pursuant to this**
46 **section]** debt used¹ to finance the renaissance school project, and
47 thereafter the renaissance school district shall be legally obligated
48 for the payment thereof; or

1 (2) if the fair market value of the renaissance school project is
 2 greater than the amount of the principal of and interest due on the
 3 outstanding ¹**【bonds issued pursuant to this section】** debt used¹ to
 4 finance the renaissance school project, the renaissance school
 5 district shall pay to the owner of the renaissance school project the
 6 fair market value of the renaissance school project, provided that, to
 7 the extent that any ¹**【bonds issued pursuant to this section】** debt
 8 used¹ to finance the renaissance school project ¹**【are】** is¹ then
 9 outstanding, the owner of the renaissance school project shall utilize
 10 the funds received from the renaissance school district pursuant to
 11 this paragraph to retire the outstanding ¹**【bonds】** debt¹.

12
 13 8. (New section) Notwithstanding any law, rule, or regulation
 14 to the contrary, a renaissance school district is authorized to enter
 15 into an agreement with an owner or operator of a renaissance school
 16 project for the occupancy, use, or both, of all or a portion of the
 17 school facility constituting the renaissance school project which is
 18 not immediately necessary for the operation of the renaissance
 19 school project.

20
 21 ¹**【9. (New section) Notwithstanding any law, rule, or regulation**
 22 **to the contrary, the New Jersey Housing and Mortgage Finance**
 23 **Agency is authorized to provide funding for the construction of a**
 24 **dormitory within a renaissance school project pursuant to P.L.1983,**
 25 **c.530 (C.55:14K-1 et seq.).】**¹

26
 27 ¹**【10.】** 9.¹ (New section) Notwithstanding the provisions of
 28 R.S.52:14-7 or any other law, rule, or regulation to the contrary, the
 29 Commissioner of Education may permit an individual employed by
 30 any ¹**【public school】** renaissance school project or charter school¹
 31 located within a renaissance school district to establish New Jersey
 32 residency within five years of the date of his initial employment.

33
 34 ¹**【11.】** 10.¹ (New section) A renaissance school project shall
 35 not be subject to the facility efficiency standards developed by the
 36 Commissioner of Education pursuant to subsection h. of section 4
 37 of P.L.2000, c. 72 (C.18A:7G-4).

38
 39 ¹**【12.】** 11.¹ This act shall take effect immediately and shall
 40 apply to all renaissance school projects regardless of the date upon
 41 which they were approved.

42
 43
 44
 45
 46 _____
 47 Makes various changes to the Urban Hope Act including the
 financing and siting of renaissance school projects.

SENATE, No. 2821

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED MAY 30, 2013

Sponsored by:

Senator DONALD NORCROSS

District 5 (Camden and Gloucester)

SYNOPSIS

Makes various changes to the Urban Hope Act including the financing and siting of renaissance school projects.

CURRENT VERSION OF TEXT

As introduced.



S2821 NORCROSS

2

1 AN ACT concerning renaissance school projects and amending and
2 supplementing P.L.2011, c.176.

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

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7 1. Section 3 of P.L.2011, c.176 (C.18A:36C-3) is amended to
8 read as follows:

9 3. As used in this act:

10 "Commissioner" means the Commissioner of Education.

11 "Failing district" means: in accordance with data from the
12 Statewide assessment reports issued by the Department of
13 Education (1) in the case of a school district located in a city of the
14 first class, a school district in which at least 40% of the students
15 scored in the partially proficient range in the language arts and
16 mathematics sections of each State assessment administered in the
17 2009-2010 school year; and (2) in the case of a school district
18 located in a city of the second class, a school district in which at
19 least 45% of the students scored in the partially proficient range in
20 the language arts and mathematics sections of each State assessment
21 administered in the 2009-2010 school year.

22 "Per pupil expenditure" means the sum of the budget year
23 equalization aid per pupil, budget year adjustment aid per pupil, and
24 the prebudget year general fund tax levy per pupil inflated by the
25 CPI rate most recent to the calculation.

26 "School facility" means and includes any structure, building, or
27 facility used wholly or in part for educational purposes by the
28 students of a school district.

29 "Renaissance school district" is a failing district in which
30 renaissance school projects shall be established.

31 "Renaissance school project" means a newly-constructed school,
32 or group of schools in **[a common campus setting]** an urban
33 campus area, that provides an educational program for students
34 enrolled in grades **[K]** pre-K through 12 or in a grade range less
35 than **[K]** pre-K through 12, that is agreed to by the school district,
36 and is operated and managed by a nonprofit entity in a renaissance
37 school district. A renaissance school project may include a
38 dormitory and related facilities as permitted pursuant to section 5 of
39 P.L.2011, c.176 (C.18A:36C-5).

40 "Urban campus area" means the area within a two-mile radius of
41 the site of the initial school of a renaissance school project.

42 (cf: P.L.2011, c.176, s.3)

43

44 2. Section 4 of P.L.2011, c.176 (C.18A:36C-4) is amended to
45 read as follows:

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

S2821 NORCROSS

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2 school district, may submit to the commissioner an application to
3 create a renaissance school project no later than three years
4 following the effective date of this act. A nonprofit entity seeking
5 to create a renaissance school project shall have experience in
6 operating a school in a high-risk, low-income urban district. In
7 addition, an entity retained by the nonprofit entity for the purpose
8 of financing or constructing the renaissance school project shall
9 also have appropriate experience.
- 10 b. The application shall be in a form prescribed by the
11 commissioner, but at a minimum it shall contain the following:
- 12 (1) except as otherwise provided in this paragraph, a resolution
13 adopted in a public meeting by the board of education of the
14 renaissance school district in which the renaissance school project
15 will be located certifying the support of the board for the
16 application. In the case of a district under full or partial State
17 intervention with an advisory board of education, the application
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20 meetings to discuss the merits of the renaissance school project.
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22 comments received during those meetings. In the case of these
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25 the renaissance school project. While a successful application does
26 not require approval from the advisory board of education, the
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28 consideration to any disapproval from the advisory board;
- 29 (2) a copy of the amendment to the renaissance school district's
30 long-range facilities plan which has been submitted to the
31 commissioner pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4)
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47 schedule;

S2821 NORCROSS

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2 provisions that will be made for auditing pursuant to N.J.S.18A:23-
3 1;
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5 facilities in which the renaissance school project will be located;
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23 the Legislature as this bill)
- 24 (14) identification of the attendance area of the renaissance
25 school project, if the renaissance school project will not be built on
26 land owned by the New Jersey Schools Development Authority or
27 the renaissance school district;
- 28 (15) a description of the process employed by the renaissance
29 school district to find and partner with the chosen nonprofit entity
30 to create a renaissance school project. The description shall be
31 sufficient to show that the process employed by the renaissance
32 school district was open, fair, and subject to public input and
33 comment. The description shall, at a minimum, include any
34 requests for proposals issued by the renaissance school district, the
35 number of responses received, and the process and criteria
36 employed by the renaissance school district to select the chosen
37 nonprofit entity among the respondents; and
- 38 (16) such other information as the commissioner may require.
39 (cf: P.L.2011, c.176, s.4)

40
41 3. Section 5 of P.L.2011, c.176 (C.18A:36C-5) is amended to
42 read as follows:

43 5. The commissioner may not approve more than four
44 renaissance school projects in any one renaissance school district.
45 The commissioner may approve no more than one renaissance
46 school project with a dormitory and related facilities in any one
47 renaissance school district. Nothing in this act shall prohibit a

S2821 NORCROSS

1 renaissance school project that provides an educational program for
2 a grade range less than **[K]** pre-K through 12 from expanding grade
3 levels after the approval by the commissioner of the initial
4 application.

5 In reviewing and judging applications for renaissance school
6 projects, the factors considered by the commissioner may include,
7 but not be limited to:

- 8 a. The likelihood that the renaissance school project will
9 improve academic achievement in the renaissance school district;
- 10 b. The strength of the support for the renaissance school project
11 from the school district, board of education, and parents;
- 12 c. The facilities plan for the renaissance school project;
- 13 d. Diversity of school type, elementary school, middle school,
14 and high school, among the proposed renaissance school projects;
15 and
- 16 e. Any other factors deemed significant by the commissioner.

17 (cf: P.L.2011, c.176, s.5)

18

19 4. Section 8 of P.L.2011, c.176 (C.18A:36C-8) is amended to
20 read as follows:

21 8. a. (1) In the case of a renaissance school project built on land
22 owned by the New Jersey Schools Development Authority or the
23 renaissance school district, students residing in the attendance area
24 established by the renaissance school district for that property shall
25 be automatically enrolled in the renaissance school project, except
26 as otherwise provided in paragraph (2) of this subsection. The
27 parent or guardian of the student may determine not to enroll the
28 student in the renaissance school project, and in that case the
29 student shall be eligible for enrollment in another school in the
30 renaissance school district. If spaces remain available in the
31 renaissance school project, students shall be selected for the
32 remaining spaces through a lottery system. The first lottery shall
33 include students who attend a public school in the renaissance
34 school district but reside outside the attendance area of the
35 renaissance school. If space remains available, a second lottery
36 shall be conducted that may include students who reside outside of
37 the renaissance school district.

38 (2) A renaissance school project built on land owned by the New
39 Jersey Schools Development Authority or the renaissance school
40 district, shall allow any student who was enrolled in the renaissance
41 school project in the immediately preceding school year to enroll in
42 the renaissance school project in the appropriate grade unless the
43 appropriate grade is not offered; and if a grade is at capacity, a
44 student enrolled in the immediately preceding school year shall
45 have priority for enrollment in that grade over a student who would
46 otherwise be eligible for initial enrollment in the renaissance school
47 project automatically based on the fact that he resides in the

1 attendance area established by the renaissance school project for
2 that property.

3 b. (1) In the case of a renaissance school project which is not
4 built on land owned by the New Jersey Schools Development
5 Authority or the renaissance school district, preference for
6 enrollment in the renaissance school project shall be given to
7 students who reside in the attendance area identified in the
8 application submitted by the nonprofit entity and approved by the
9 commissioner for the renaissance school project. In no case may an
10 attendance area include an area outside of the renaissance school
11 district. If spaces remain available in the renaissance school
12 project, then the renaissance school project may select students for
13 the remaining spaces through a lottery system. The first lottery
14 shall include students who attend a public school in the renaissance
15 school district but reside outside the attendance area identified in
16 the application approved by the commissioner for the renaissance
17 school project. If space remains available, a second lottery shall be
18 conducted that may include students who reside outside of the
19 renaissance school district.

20 (2) A renaissance school project which is not built on land
21 owned by the New Jersey Schools Development Authority or the
22 renaissance school district shall allow any student who was enrolled
23 in the renaissance school project in the immediately preceding
24 school year to enroll in the renaissance school project in the
25 appropriate grade unless the appropriate grade is not offered.

26 In developing and executing its selection process, the nonprofit
27 entity shall not discriminate on the basis of intellectual or athletic
28 ability, measures of achievement or aptitude, status as a
29 handicapped person, proficiency in the English language, or any
30 other basis that would be illegal if used by a school district. A
31 nonprofit entity may, however, limit admission to a particular grade
32 level or levels consistent with its organizational document.

33 (cf: P.L.2011, c.176, s.8)

34

35 5. (New section) A renaissance school project shall comply
36 with the provisions of chapter 46 of Title 18A of the New Jersey
37 Statutes concerning the provision of services to students with
38 disabilities; except that the fiscal responsibility for any student
39 currently enrolled in or determined to require a private day or
40 residential school shall remain with the district of residence.

41 Within 15 days of the signing of the individualized education
42 plan, a renaissance school project shall provide notice to the
43 resident district of any individualized education plan which results
44 in a private day or residential placement. The resident district may
45 challenge the placement within 30 days in accordance with the
46 procedures established by law.

S2821 NORCROSS

1 6. (New section) A renaissance school project shall be a local
2 education agency only for the purpose of applying for federal
3 entitlement and discretionary funds.

4
5 7. (New section) a. Notwithstanding the provisions of
6 N.J.S.18A:24-10 or any other section of law to the contrary, the
7 board of education of a Type II renaissance school district without a
8 board of school estimate may issue bonds without the approval of
9 the voters of the district in order to finance the construction of a
10 renaissance school project. In the case of a Type I renaissance
11 school district or a Type II renaissance school district with a board
12 of school estimate, notwithstanding the provisions of N.J.S.18A:24-
13 11, N.J.S.18A:24-12, or any other section of law to the contrary,
14 such bonds may be issued by the municipality without the approval
15 of the board of school estimate or the adoption of a municipal
16 ordinance as applicable. In the case of a school district under full
17 State intervention or partial State intervention in which the
18 governance component of school district effectiveness has not been
19 returned to the district, notwithstanding the provisions of P.L.1991,
20 c.139 (C.18A:7A-46.1 et seq.) or any other section of law to the
21 contrary, such bonds may be issued without the approval of the
22 capital project control board.

23 The issuance of the bonds shall be approved by the board of
24 education of the renaissance school district, or the State district
25 superintendent in the case of a school district under full State
26 intervention or partial State intervention in which the governance
27 component has not been returned to the district. The approval shall
28 be evidenced by the adoption of a resolution by the board of
29 education in a public meeting upon an affirmative vote of two-
30 thirds of its full membership certifying the support of the board for
31 the issuance of the bonds, or if the school district is under full or
32 partial State intervention and the governance component has not
33 been returned to the district, a certification, affidavit, or other sworn
34 statement signed by the State district superintendent supporting the
35 issuance.

36 b. Notwithstanding the provisions of any law to the contrary, a
37 county or county improvement authority may issue bonds in order
38 to finance the construction of a renaissance school project.

39 c. Notwithstanding the provisions of N.J.S.18A:22-20,
40 N.J.S.18A:22-30, or any other section of law to the contrary, the
41 principal of and interest on the bonds issued pursuant to this section
42 shall be repaid with funds of the entity or entities owning or
43 operating the renaissance school project for which the bonds have
44 been issued, except as otherwise provided by subsection d. of this
45 section. To secure the repayment of the principal of and interest on
46 the bonds issued pursuant to this section, the board of education, the
47 State district superintendent, the municipality, the county, or the
48 county improvement authority, as applicable, shall enter into an

S2821 NORCROSS

1 agreement with the entity or entities owning or operating the
2 renaissance school project, which agreement shall include the total
3 amount of bonded indebtedness to be repaid, the schedule of
4 required debt service payments, and the total amount of each
5 individual debt service payment. The commissioner shall approve
6 any agreement entered into pursuant to this section prior to the
7 issuance of the bonds.

8 d. Bonds issued by a school district, municipality, or county to
9 finance a renaissance school project pursuant to this section, shall
10 be entitled to the benefits of the "New Jersey School Bond Reserve
11 Act," P.L.1980, c.72 (C.18A:56-17 et seq.).

12 e. The provisions of P.L.1969, c.130 (C.18A:24-61.1 et seq.)
13 shall be applicable to bonds issued pursuant to this section.

14 f. In the event the authorization to operate a renaissance school
15 project is terminated or expires for any reason, and no substitute or
16 replacement owner or operator for that renaissance school project
17 has been approved by the State prior to the termination or
18 expiration date, title to the renaissance school project shall revert to
19 the board of education of the renaissance school district for
20 consideration in an amount calculated as follows:

21 (1) if the principal of and interest due on any outstanding bonds
22 issued pursuant to this section to finance the renaissance school
23 project is equal to or greater than the fair market value of the
24 renaissance school project, as determined by a certified appraiser
25 agreed to by the renaissance school district and the owner of the
26 renaissance school project, the renaissance school district shall
27 assume any outstanding bonds issued pursuant to this section to
28 finance the renaissance school project, and thereafter the
29 renaissance school district shall be legally obligated for the
30 payment thereof; or

31 (2) if the fair market value of the renaissance school project is
32 greater than the amount of the principal of and interest due on the
33 outstanding bonds issued pursuant to this section to finance the
34 renaissance school project, the renaissance school district shall pay
35 to the owner of the renaissance school project the fair market value
36 of the renaissance school project, provided that, to the extent that
37 any bonds issued pursuant to this section to finance the renaissance
38 school project are then outstanding, the owner of the renaissance
39 school project shall utilize the funds received from the renaissance
40 school district pursuant to this paragraph to retire the outstanding
41 bonds.

42
43 8. (New section) Notwithstanding any law, rule, or regulation to
44 the contrary, a renaissance school district is authorized to enter into
45 an agreement with an owner or operator of a renaissance school
46 project for the occupancy, use, or both, of all or a portion of the
47 school facility constituting the renaissance school project which is

1 not immediately necessary for the operation of the renaissance
2 school project.

3

4 9. (New section) Notwithstanding any law, rule, or regulation to
5 the contrary, the New Jersey Housing and Mortgage Finance
6 Agency is authorized to provide funding for the construction of a
7 dormitory within a renaissance school project pursuant to P.L.1983,
8 c.530 (C.55:14K-1 et seq.).

9

10 10. (New section) Notwithstanding the provisions of R.S.52:14-
11 7 or any other law, rule, or regulation to the contrary, the
12 Commissioner of Education may permit an individual employed by
13 any public school located within a renaissance school district to
14 establish New Jersey residency within five years of the date of his
15 initial employment.

16

17 11. (New section) A renaissance school project shall not be
18 subject to the facility efficiency standards developed by the
19 Commissioner of Education pursuant to subsection h. of section 4
20 of P.L.2000, c. 72 (C.18A:7G-4).

21

22 12. This act shall take effect immediately and shall apply to all
23 renaissance school projects regardless of the date upon which they
24 were approved.

25

26

27

STATEMENT

28

29 The "Urban Hope Act," P.L.2011, c.176 (C.18A:36C-1 et seq.),
30 authorized the Camden, Newark, and Trenton School Districts to,
31 on a limited pilot program basis, partner with one or more nonprofit
32 entities to create "renaissance school projects." The renaissance
33 school projects are designed to provide the children in these
34 districts with another option for receiving educational services.

35 This bill would:

36 (1) eliminate the requirement that a renaissance school project,
37 which is defined as consisting of a newly-constructed school or
38 group of schools, must be in a common campus setting, instead
39 permitting the schools of a renaissance school project to be in an
40 urban campus area, which is defined as the area within a two-mile
41 radius of the site of the initial school of a renaissance school
42 project;

43 (2) eliminate the requirement that the application submitted by
44 the nonprofit entity to create a renaissance school project must
45 include an address for the school facility or facilities in which the
46 renaissance school project will be located;

47 (3) require that the application submitted by the nonprofit entity
48 to create a renaissance school project must include documentation

1 of a funding plan to acquire necessary lands to construct the project,
2 and eliminate the requirement for documentation of the funds
3 available to construct the project and, if the project will include the
4 acquisition of land, a description of the land to be acquired, the
5 costs and timetable for the acquisition, and the plan for financing
6 the acquisition;

7 (4) include a requirement, similar to that included for charter
8 schools, that the renaissance school project allow any student who
9 was enrolled in the school in the immediately preceding school year
10 to enroll in the school in the appropriate grade the following year.
11 In addition, the bill provides that for certain types of renaissance
12 school projects, in the case of a grade level at capacity, a student
13 who has been enrolled in the renaissance school project will have
14 enrollment priority in that grade over a student who has just moved
15 into the attendance area and who would, therefore, otherwise be
16 eligible for automatic enrollment;

17 (5) explicitly permit renaissance school projects to provide
18 educational programs at the pre-kindergarten grade level;

19 (6) provide that, as with charter schools, renaissance school
20 projects be considered local education agencies for the limited
21 purpose of applying for federal entitlement and discretionary funds;

22 (7) provide that, as with charter schools, the renaissance school
23 project must inform the resident school district of any
24 individualized education plan which results in a private day or
25 residential treatment plan for a student, and the resident district
26 would be permitted a certain period of time to challenge that
27 placement. The resident school district would have the fiscal
28 responsibility for any student enrolled in a private day or residential
29 school;

30 (8) authorize the board of education of a Type II renaissance
31 school district to issue bonds without voter approval to finance the
32 construction of a renaissance school project. In the case of a Type
33 II renaissance school district with a board of school estimate or a
34 Type I renaissance school district, bonds may be issued without the
35 approval of the board of school estimate or the adoption of a
36 municipal ordinance, as applicable. The bill also authorizes a
37 county or county improvement authority to issue bonds to finance
38 the construction of a renaissance school project. The principal of
39 and interest due on any bonds issued to finance the project would be
40 repaid with the funds of the entity or entities owning or operating
41 the renaissance school project. The board of education, the State
42 district superintendent, the municipality, the county, or the county
43 improvement authority, as applicable, would enter into an
44 agreement with the entity or entities owning or operating the
45 project, which agreement would include the total amount of bonded
46 indebtedness to be repaid and the schedule of required debt service
47 payments. The commissioner would have to approve each such
48 agreement.

S2821 NORCROSS

- 1 Bonds issued by a school district, municipality, or county to
2 finance a renaissance school project will be entitled to the benefits
3 of the “New Jersey School Bond Reserve Act.” The school bond
4 reserve is pledged by law to secure payments of principal and
5 interest due on bonds issued for school purposes in the event of the
6 inability of the issuer to make payment;
- 7 (9) implement, in the case of a renaissance school project which
8 is not built on land owned by the New Jersey Schools Development
9 Authority (SDA) or the renaissance school district, a lottery process
10 for enrollment in the renaissance school project that is the same as
11 the lottery process for a renaissance school project built on land
12 owned by the SDA or the renaissance school district;
- 13 (10) permit one of the renaissance school projects in a
14 renaissance school district to include a dormitory and related
15 facilities;
- 16 (11) permit a renaissance school district to enter into an
17 agreement with an owner or operator of a renaissance school project
18 which would allow the district to use or occupy the facilities of a
19 renaissance school project when the facilities are not immediately
20 necessary for the operation of the renaissance school project;
- 21 (12) authorize the New Jersey Housing and Mortgage Finance
22 Agency to provide funding for the construction of dormitories
23 within a renaissance school project;
- 24 (13) authorize the Commissioner of Education to allow
25 individuals who reside outside of the State to be employed at any
26 public school located within a renaissance school district, which
27 would include a school of a renaissance school project, a school of
28 the local district, and a charter school, provided the individuals
29 establish residency in the State within five years of their initial date
30 of employment;
- 31 (14) provide that a renaissance school project is not subject to
32 the facilities efficiency standards; and
- 33 (15) provide that the provisions of the bill apply to all
34 renaissance school projects, including those approved prior to the
35 effective date of the bill.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2821

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 24, 2013

The Senate Budget and Appropriations committee favorably reports Senate Bill No. 2821, with committee amendments.

As amended, this bill makes various changes to the Urban Hope Act including the financing and siting of renaissance school projects.

The “Urban Hope Act,” P.L.2011, c.176 (C.18A:36C-1 et seq.), authorized the Camden, Newark, and Trenton School Districts to, on a limited pilot program basis, partner with one or more nonprofit entities to create “renaissance school projects.”

This bill:

(1) eliminates the requirement that a renaissance school project, which is defined as consisting of a newly-constructed school or group of schools, must be in a common campus setting, instead permitting the schools of a renaissance school project to be in an urban campus area;

(2) requires that the application submitted by the nonprofit entity to create a renaissance school project must include an affirmation that after the initial school facility, any other school facility in which the renaissance school project will be located, will be within the required urban campus area;

(3) requires that the application submitted by the nonprofit entity to create a renaissance school project must include documentation of a funding plan to acquire necessary lands to construct the project, and eliminate the requirement for documentation of the funds available to construct the project and, if the project will include the acquisition of land, a description of the land to be acquired, the costs and timetable for the acquisition, and the plan for financing the acquisition;

(4) includes a requirement, similar to that included for charter schools, that the renaissance school project allow any student who was enrolled in the school in the immediately preceding school year to enroll in the school in the appropriate grade the following year. In addition, the bill provides that for certain types of renaissance school projects, in the case of a grade level at capacity, a student who has been enrolled in the renaissance school project will have enrollment priority in that grade over a student who has just moved into the

attendance area and who would, therefore, otherwise be eligible for automatic enrollment;

(5) explicitly permits renaissance school projects to provide educational programs at the pre-kindergarten grade level;

(6) provides that, as with charter schools, renaissance school projects be considered local education agencies for the limited purpose of applying for federal entitlement and discretionary funds;

(7) provides that, as with charter schools, the renaissance school project must inform the resident school district of any individualized education plan which results in a private day or residential treatment plan for a student, and the resident district would be permitted a certain period of time to challenge that placement. The resident school district would have the fiscal responsibility for any student enrolled in a private day or residential school;

(8) implements, in the case of a renaissance school project which is not built on land owned by the New Jersey Schools Development Authority (SDA) or the renaissance school district, a lottery process for enrollment in the renaissance school project that is the same as the lottery process for a renaissance school project built on land owned by the SDA or the renaissance school district;

(9) permits one of the renaissance school projects in a renaissance school district to include a dormitory and related facilities;

(10) permits a renaissance school district to enter into an agreement with an owner or operator of a renaissance school project which would allow the district to use or occupy the facilities of a renaissance school project when the facilities are not immediately necessary for the operation of the renaissance school project;

(11) authorizes the Commissioner of Education to allow individuals who reside outside of the State to be employed at any renaissance school project or charter school located within a renaissance school district, provided the individuals establish residency in the State within five years of their initial date of employment;

(12) provides that a renaissance school project is not subject to the facilities efficiency standards; and

(13) provides that the provisions of the bill apply to all renaissance school projects, including those approved prior to the effective date of the bill.

COMMITTEE AMENDMENTS:

The amendments:

- Reduce the size of the urban campus area in which a renaissance school project must be located, except in the case in which a high school building is part of the project;
- Reinsert language requiring a renaissance school project application to include the address of the school facility, but only for the initial facility, and also add the requirement that an affirmation be

included in the application that any other facility in which the renaissance school project will be located will be situated within the urban campus area. In the case of a school facility other than the initial school facility, the Commissioner of Education will be required to be notified of its location at least one year prior to its opening;

- Allow the first lottery conducted for enrollment in the renaissance school projects to include any student who resides in the renaissance school district. This lottery will no longer be restricted to public school students residing in the district;
- Eliminate language authorizing the New Jersey Housing and Mortgage Finance Agency to provide funding for construction of dormitories within a renaissance school project;
- Limit to only the employees of renaissance school projects and charter schools in the renaissance school district the ability, with the Commissioner of Education's permission, to establish residency within five years of the date of initial employment. Under the bill as introduced, this right was also available to traditional public school employees; and
- Eliminate language permitting the board of education or the municipality of a renaissance school district to issue bonds in order to finance the construction of a renaissance school project.

FISCAL IMPACT:

This bill, as amended, may lead to an increase in State expenditures in the form of additional State school aid provided to a renaissance school district. Under current law, a renaissance school project first enrolls students who reside in the designated attendance area. Under the bill, if space remains available after enrolling these students, students who reside in the renaissance school district, but outside the attendance area, may enter a lottery for enrollment in the renaissance school project. This creates the possibility that a student who attends a nonpublic school may enroll in the renaissance school project, potentially increasing the amount of State school aid that the renaissance school district receives. Given the uncertainty of whether or not space would be available after enrolling students who reside in the attendance area, it is not possible to estimate the potential increase in aid.

ASSEMBLY, No. 4194

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED JUNE 10, 2013

Sponsored by:

Assemblyman ANGEL FUENTES

District 5 (Camden and Gloucester)

SYNOPSIS

Makes various changes to the Urban Hope Act including the financing and siting of renaissance school projects.

CURRENT VERSION OF TEXT

As introduced.



A4194 FUENTES

2

1 AN ACT concerning renaissance school projects and amending and
2 supplementing P.L.2011, c.176.

3

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

6

7 1. Section 3 of P.L.2011, c.176 (C.18A:36C-3) is amended to
8 read as follows:

9 3. As used in this act:

10 "Commissioner" means the Commissioner of Education.

11 "Failing district" means: in accordance with data from the
12 Statewide assessment reports issued by the Department of
13 Education (1) in the case of a school district located in a city of the
14 first class, a school district in which at least 40% of the students
15 scored in the partially proficient range in the language arts and
16 mathematics sections of each State assessment administered in the
17 2009-2010 school year; and (2) in the case of a school district
18 located in a city of the second class, a school district in which at
19 least 45% of the students scored in the partially proficient range in
20 the language arts and mathematics sections of each State assessment
21 administered in the 2009-2010 school year.

22 "Per pupil expenditure" means the sum of the budget year
23 equalization aid per pupil, budget year adjustment aid per pupil, and
24 the prebudget year general fund tax levy per pupil inflated by the
25 CPI rate most recent to the calculation.

26 "School facility" means and includes any structure, building, or
27 facility used wholly or in part for educational purposes by the
28 students of a school district.

29 "Renaissance school district" is a failing district in which
30 renaissance school projects shall be established.

31 "Renaissance school project" means a newly-constructed school,
32 or group of schools in **[a common campus setting]** an urban
33 campus area, that provides an educational program for students
34 enrolled in grades **[K]** pre-K through 12 or in a grade range less
35 than **[K]** pre-K through 12, that is agreed to by the school district,
36 and is operated and managed by a nonprofit entity in a renaissance
37 school district. A renaissance school project may include a
38 dormitory and related facilities as permitted pursuant to section 5 of
39 P.L.2011, c.176 (C.18A:36C-5).

40 "Urban campus area" means the area within a two-mile radius of
41 the site of the initial school of a renaissance school project.

42 (cf: P.L.2011, c.176, s.3)

43

44 2. Section 4 of P.L.2011, c.176 (C.18A:36C-4) is amended to
45 read as follows:

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 4. a. A nonprofit entity, in partnership with the renaissance
2 school district, may submit to the commissioner an application to
3 create a renaissance school project no later than three years
4 following the effective date of this act. A nonprofit entity seeking
5 to create a renaissance school project shall have experience in
6 operating a school in a high-risk, low-income urban district. In
7 addition, an entity retained by the nonprofit entity for the purpose
8 of financing or constructing the renaissance school project shall
9 also have appropriate experience.
- 10 b. The application shall be in a form prescribed by the
11 commissioner, but at a minimum it shall contain the following:
- 12 (1) except as otherwise provided in this paragraph, a resolution
13 adopted in a public meeting by the board of education of the
14 renaissance school district in which the renaissance school project
15 will be located certifying the support of the board for the
16 application. In the case of a district under full or partial State
17 intervention with an advisory board of education, the application
18 shall contain evidence that that State district superintendent or
19 superintendent, as applicable, convened at least three public
20 meetings to discuss the merits of the renaissance school project.
21 The evidence shall include, at a minimum, any written public
22 comments received during those meetings. In the case of these
23 districts, the application shall contain a resolution from the advisory
24 board of education reflecting the board's approval or disapproval of
25 the renaissance school project. While a successful application does
26 not require approval from the advisory board of education, the
27 commissioner, in considering the application, shall give due
28 consideration to any disapproval from the advisory board;
- 29 (2) a copy of the amendment to the renaissance school district's
30 long-range facilities plan which has been submitted to the
31 commissioner pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4)
32 that includes the proposed renaissance school project;
- 33 (3) the educational goals of the renaissance school project, the
34 curriculum to be offered, and the methods of assessing whether
35 students are meeting the proffered educational goals;
- 36 (4) any testing and academic performance standards to be
37 mandated by the renaissance school project beyond those required
38 by State law and regulation;
- 39 (5) the admission policy and criteria for evaluating the
40 admission of students to the renaissance school project, which shall
41 comply with the provisions of section 8 of this act;
- 42 (6) the age or grade range of students to be enrolled in the
43 renaissance school project;
- 44 (7) the total number of students to be enrolled in each grade
45 level of the renaissance school project;
- 46 (8) the renaissance school project calendar and school day
47 schedule;

A4194 FUENTES

4

1 (9) the financial plan for the renaissance school project and the
2 provisions that will be made for auditing pursuant to N.J.S.18A:23-
3 1;

4 (10) a description of **【**, and address for,**】** the school facility or
5 facilities in which the renaissance school project will be located;

6 (11) documentation that the proposed renaissance school project
7 meets **【**the facilities efficiency standards developed by the
8 commissioner pursuant to subsection h. of section 4 of P.L.2000,
9 c.72 (C.18A:7G-4), and**】** any school facility regulations
10 promulgated by the State Board of Education or the Department of
11 Community Affairs, other than the facilities efficiency standards
12 developed by the Commissioner of Education pursuant to
13 subsection h. of section 4 of P.L.2000, c.72 (C.18A:7G-4);

14 (12) documentation of **【**the funds available to construct the
15 renaissance school project**】** a funding plan to acquire necessary
16 lands and to construct a renaissance school project thereon,
17 including the terms of any financing secured for such purpose;

18 (13) **【**if the renaissance school project includes the acquisition of
19 land, the application shall include, at a minimum: (a) a description
20 of the land to be acquired; (b) the costs of acquisition; (c) the
21 timetable for acquisition; and (d) the plan for financing the
22 acquisition;**】** (Deleted by amendment, P.L. , c.) (pending before
23 the Legislature as this bill)

24 (14) identification of the attendance area of the renaissance
25 school project, if the renaissance school project will not be built on
26 land owned by the New Jersey Schools Development Authority or
27 the renaissance school district;

28 (15) a description of the process employed by the renaissance
29 school district to find and partner with the chosen nonprofit entity
30 to create a renaissance school project. The description shall be
31 sufficient to show that the process employed by the renaissance
32 school district was open, fair, and subject to public input and
33 comment. The description shall, at a minimum, include any
34 requests for proposals issued by the renaissance school district, the
35 number of responses received, and the process and criteria
36 employed by the renaissance school district to select the chosen
37 nonprofit entity among the respondents; and

38 (16) such other information as the commissioner may require.
39 (cf: P.L.2011, c.176, s.4)

40

41 3. Section 5 of P.L.2011, c.176 (C.18A:36C-5) is amended to
42 read as follows:

43 5. The commissioner may not approve more than four
44 renaissance school projects in any one renaissance school district.
45 The commissioner may approve no more than one renaissance
46 school project with a dormitory and related facilities in any one
47 renaissance school district. Nothing in this act shall prohibit a

1 renaissance school project that provides an educational program for
2 a grade range less than **[K]** pre-K through 12 from expanding grade
3 levels after the approval by the commissioner of the initial
4 application.

5 In reviewing and judging applications for renaissance school
6 projects, the factors considered by the commissioner may include,
7 but not be limited to:

- 8 a. The likelihood that the renaissance school project will
9 improve academic achievement in the renaissance school district;
- 10 b. The strength of the support for the renaissance school project
11 from the school district, board of education, and parents;
- 12 c. The facilities plan for the renaissance school project;
- 13 d. Diversity of school type, elementary school, middle school,
14 and high school, among the proposed renaissance school projects;
- 15 and
- 16 e. Any other factors deemed significant by the commissioner.

17 (cf: P.L.2011, c.176, s.5)

18

19 4. Section 8 of P.L.2011, c.176 (C.18A:36C-8) is amended to
20 read as follows:

21 8. a. (1) In the case of a renaissance school project built on
22 land owned by the New Jersey Schools Development Authority or
23 the renaissance school district, students residing in the attendance
24 area established by the renaissance school district for that property
25 shall be automatically enrolled in the renaissance school project,
26 except as otherwise provided in paragraph (2) of this subsection.
27 The parent or guardian of the student may determine not to enroll
28 the student in the renaissance school project, and in that case the
29 student shall be eligible for enrollment in another school in the
30 renaissance school district. If spaces remain available in the
31 renaissance school project, students shall be selected for the
32 remaining spaces through a lottery system. The first lottery shall
33 include students who attend a public school in the renaissance
34 school district but reside outside the attendance area of the
35 renaissance school. If space remains available, a second lottery
36 shall be conducted that may include students who reside outside of
37 the renaissance school district.

38 (2) A renaissance school project built on land owned by the
39 New Jersey Schools Development Authority or the renaissance
40 school district, shall allow any student who was enrolled in the
41 renaissance school project in the immediately preceding school year
42 to enroll in the renaissance school project in the appropriate grade
43 unless the appropriate grade is not offered; and if a grade is at
44 capacity, a student enrolled in the immediately preceding school
45 year shall have priority for enrollment in that grade over a student
46 who would otherwise be eligible for initial enrollment in the
47 renaissance school project automatically based on the fact that he

1 resides in the attendance area established by the renaissance school
2 project for that property.

3 b. (1) In the case of a renaissance school project which is not
4 built on land owned by the New Jersey Schools Development
5 Authority or the renaissance school district, preference for
6 enrollment in the renaissance school project shall be given to
7 students who reside in the attendance area identified in the
8 application submitted by the nonprofit entity and approved by the
9 commissioner for the renaissance school project. In no case may an
10 attendance area include an area outside of the renaissance school
11 district. If spaces remain available in the renaissance school
12 project, then the renaissance school project may select students for
13 the remaining spaces through a lottery system. The first lottery
14 shall include students who attend a public school in the renaissance
15 school district but reside outside the attendance area identified in
16 the application approved by the commissioner for the renaissance
17 school project. If space remains available, a second lottery shall be
18 conducted that may include students who reside outside of the
19 renaissance school district.

20 (2) A renaissance school project which is not built on land
21 owned by the New Jersey Schools Development Authority or the
22 renaissance school district shall allow any student who was enrolled
23 in the renaissance school project in the immediately preceding
24 school year to enroll in the renaissance school project in the
25 appropriate grade unless the appropriate grade is not offered.

26 In developing and executing its selection process, the nonprofit
27 entity shall not discriminate on the basis of intellectual or athletic
28 ability, measures of achievement or aptitude, status as a
29 handicapped person, proficiency in the English language, or any
30 other basis that would be illegal if used by a school district. A
31 nonprofit entity may, however, limit admission to a particular grade
32 level or levels consistent with its organizational document.

33 (cf: P.L.2011, c.176, s.8)

34

35 5. (New section) A renaissance school project shall comply
36 with the provisions of chapter 46 of Title 18A of the New Jersey
37 Statutes concerning the provision of services to students with
38 disabilities; except that the fiscal responsibility for any student
39 currently enrolled in or determined to require a private day or
40 residential school shall remain with the district of residence.

41 Within 15 days of the signing of the individualized education
42 plan, a renaissance school project shall provide notice to the
43 resident district of any individualized education plan which results
44 in a private day or residential placement. The resident district may
45 challenge the placement within 30 days in accordance with the
46 procedures established by law.

A4194 FUENTES

1 6. (New section) A renaissance school project shall be a local
2 education agency only for the purpose of applying for federal
3 entitlement and discretionary funds.

4
5 7. (New section) a. Notwithstanding the provisions of
6 N.J.S.18A:24-10 or any other section of law to the contrary, the
7 board of education of a Type II renaissance school district without a
8 board of school estimate may issue bonds without the approval of
9 the voters of the district in order to finance the construction of a
10 renaissance school project. In the case of a Type I renaissance
11 school district or a Type II renaissance school district with a board
12 of school estimate, notwithstanding the provisions of N.J.S.18A:24-
13 11, N.J.S.18A:24-12, or any other section of law to the contrary,
14 such bonds may be issued by the municipality without the approval
15 of the board of school estimate or the adoption of a municipal
16 ordinance as applicable. In the case of a school district under full
17 State intervention or partial State intervention in which the
18 governance component of school district effectiveness has not been
19 returned to the district, notwithstanding the provisions of P.L.1991,
20 c.139 (C.18A:7A-46.1 et seq.) or any other section of law to the
21 contrary, such bonds may be issued without the approval of the
22 capital project control board.

23 The issuance of the bonds shall be approved by the board of
24 education of the renaissance school district, or the State district
25 superintendent in the case of a school district under full State
26 intervention or partial State intervention in which the governance
27 component has not been returned to the district. The approval shall
28 be evidenced by the adoption of a resolution by the board of
29 education in a public meeting upon an affirmative vote of two-
30 thirds of its full membership certifying the support of the board for
31 the issuance of the bonds, or if the school district is under full or
32 partial State intervention and the governance component has not
33 been returned to the district, a certification, affidavit, or other sworn
34 statement signed by the State district superintendent supporting the
35 issuance.

36 b. Notwithstanding the provisions of any law to the contrary, a
37 county or county improvement authority may issue bonds in order
38 to finance the construction of a renaissance school project.

39 c. Notwithstanding the provisions of N.J.S.18A:22-20,
40 N.J.S.18A:22-30, or any other section of law to the contrary, the
41 principal of and interest on the bonds issued pursuant to this section
42 shall be repaid with funds of the entity or entities owning or
43 operating the renaissance school project for which the bonds have
44 been issued, except as otherwise provided by subsection d. of this
45 section. To secure the repayment of the principal of and interest on
46 the bonds issued pursuant to this section, the board of education, the
47 State district superintendent, the municipality, the county, or the
48 county improvement authority, as applicable, shall enter into an

1 agreement with the entity or entities owning or operating the
2 renaissance school project, which agreement shall include the total
3 amount of bonded indebtedness to be repaid, the schedule of
4 required debt service payments, and the total amount of each
5 individual debt service payment. The commissioner shall approve
6 any agreement entered into pursuant to this section prior to the
7 issuance of the bonds.

8 d. Bonds issued by a school district, municipality, or county to
9 finance a renaissance school project pursuant to this section, shall
10 be entitled to the benefits of the "New Jersey School Bond Reserve
11 Act," P.L.1980, c.72 (C.18A:56-17 et seq.).

12 e. The provisions of P.L.1969, c.130 (C.18A:24-61.1 et seq.)
13 shall be applicable to bonds issued pursuant to this section.

14 f. In the event the authorization to operate a renaissance school
15 project is terminated or expires for any reason, and no substitute or
16 replacement owner or operator for that renaissance school project
17 has been approved by the State prior to the termination or
18 expiration date, title to the renaissance school project shall revert to
19 the board of education of the renaissance school district for
20 consideration in an amount calculated as follows:

21 (1) if the principal of and interest due on any outstanding bonds
22 issued pursuant to this section to finance the renaissance school
23 project is equal to or greater than the fair market value of the
24 renaissance school project, as determined by a certified appraiser
25 agreed to by the renaissance school district and the owner of the
26 renaissance school project, the renaissance school district shall
27 assume any outstanding bonds issued pursuant to this section to
28 finance the renaissance school project, and thereafter the
29 renaissance school district shall be legally obligated for the
30 payment thereof; or

31 (2) if the fair market value of the renaissance school project is
32 greater than the amount of the principal of and interest due on the
33 outstanding bonds issued pursuant to this section to finance the
34 renaissance school project, the renaissance school district shall pay
35 to the owner of the renaissance school project the fair market value
36 of the renaissance school project, provided that, to the extent that
37 any bonds issued pursuant to this section to finance the renaissance
38 school project are then outstanding, the owner of the renaissance
39 school project shall utilize the funds received from the renaissance
40 school district pursuant to this paragraph to retire the outstanding
41 bonds.

42
43 8. (New section) Notwithstanding any law, rule, or regulation
44 to the contrary, a renaissance school district is authorized to enter
45 into an agreement with an owner or operator of a renaissance school
46 project for the occupancy, use, or both, of all or a portion of the
47 school facility constituting the renaissance school project which is

1 not immediately necessary for the operation of the renaissance
2 school project.

3

4 9. (New section) Notwithstanding any law, rule, or regulation
5 to the contrary, the New Jersey Housing and Mortgage Finance
6 Agency is authorized to provide funding for the construction of a
7 dormitory within a renaissance school project pursuant to P.L.1983,
8 c.530 (C.55:14K-1 et seq.).

9

10 10. (New section) Notwithstanding the provisions of R.S.52:14-
11 7 or any other law, rule, or regulation to the contrary, the
12 Commissioner of Education may permit an individual employed by
13 any public school located within a renaissance school district to
14 establish New Jersey residency within five years of the date of his
15 initial employment.

16

17 11. (New section) A renaissance school project shall not be
18 subject to the facility efficiency standards developed by the
19 Commissioner of Education pursuant to subsection h. of section 4
20 of P.L.2000, c. 72 (C.18A:7G-4).

21

22 12. This act shall take effect immediately and shall apply to all
23 renaissance school projects regardless of the date upon which they
24 were approved.

25

26

27

STATEMENT

28

29 The "Urban Hope Act," P.L.2011, c.176 (C.18A:36C-1 et seq.),
30 authorized the Camden, Newark, and Trenton School Districts to,
31 on a limited pilot program basis, partner with one or more nonprofit
32 entities to create "renaissance school projects." The renaissance
33 school projects are designed to provide the children in these
34 districts with another option for receiving educational services.

35 This bill would:

36 (1) eliminate the requirement that a renaissance school project,
37 which is defined as consisting of a newly-constructed school or
38 group of schools, must be in a common campus setting, instead
39 permitting the schools of a renaissance school project to be in an
40 urban campus area, which is defined as the area within a two-mile
41 radius of the site of the initial school of a renaissance school
42 project;

43 (2) eliminate the requirement that the application submitted by
44 the nonprofit entity to create a renaissance school project must
45 include an address for the school facility or facilities in which the
46 renaissance school project will be located;

47 (3) require that the application submitted by the nonprofit entity
48 to create a renaissance school project must include documentation

1 of a funding plan to acquire necessary lands to construct the project,
2 and eliminate the requirement for documentation of the funds
3 available to construct the project and, if the project will include the
4 acquisition of land, a description of the land to be acquired, the
5 costs and timetable for the acquisition, and the plan for financing
6 the acquisition;

7 (4) include a requirement, similar to that included for charter
8 schools, that the renaissance school project allow any student who
9 was enrolled in the school in the immediately preceding school year
10 to enroll in the school in the appropriate grade the following year.
11 In addition, the bill provides that for certain types of renaissance
12 school projects, in the case of a grade level at capacity, a student
13 who has been enrolled in the renaissance school project will have
14 enrollment priority in that grade over a student who has just moved
15 into the attendance area and who would, therefore, otherwise be
16 eligible for automatic enrollment;

17 (5) explicitly permit renaissance school projects to provide
18 educational programs at the pre-kindergarten grade level;

19 (6) provide that, as with charter schools, renaissance school
20 projects be considered local education agencies for the limited
21 purpose of applying for federal entitlement and discretionary funds;

22 (7) provide that, as with charter schools, the renaissance school
23 project must inform the resident school district of any
24 individualized education plan which results in a private day or
25 residential treatment plan for a student, and the resident district
26 would be permitted a certain period of time to challenge that
27 placement. The resident school district would have the fiscal
28 responsibility for any student enrolled in a private day or residential
29 school;

30 (8) authorize the board of education of a Type II renaissance
31 school district to issue bonds without voter approval to finance the
32 construction of a renaissance school project. In the case of a Type
33 II renaissance school district with a board of school estimate or a
34 Type I renaissance school district, bonds may be issued without the
35 approval of the board of school estimate or the adoption of a
36 municipal ordinance, as applicable. The bill also authorizes a
37 county or county improvement authority to issue bonds to finance
38 the construction of a renaissance school project. The principal of
39 and interest due on any bonds issued to finance the project would be
40 repaid with the funds of the entity or entities owning or operating
41 the renaissance school project. The board of education, the State
42 district superintendent, the municipality, the county, or the county
43 improvement authority, as applicable, would enter into an
44 agreement with the entity or entities owning or operating the
45 project, which agreement would include the total amount of bonded
46 indebtedness to be repaid and the schedule of required debt service
47 payments. The commissioner would have to approve each such
48 agreement.

- 1 Bonds issued by a school district, municipality, or county to
2 finance a renaissance school project will be entitled to the benefits
3 of the “New Jersey School Bond Reserve Act.” The school bond
4 reserve is pledged by law to secure payments of principal and
5 interest due on bonds issued for school purposes in the event of the
6 inability of the issuer to make payment;
- 7 (9) implement, in the case of a renaissance school project which
8 is not built on land owned by the New Jersey Schools Development
9 Authority (SDA) or the renaissance school district, a lottery process
10 for enrollment in the renaissance school project that is the same as
11 the lottery process for a renaissance school project built on land
12 owned by the SDA or the renaissance school district;
- 13 (10) permit one of the renaissance school projects in a
14 renaissance school district to include a dormitory and related
15 facilities;
- 16 (11) permit a renaissance school district to enter into an
17 agreement with an owner or operator of a renaissance school project
18 which would allow the district to use or occupy the facilities of a
19 renaissance school project when the facilities are not immediately
20 necessary for the operation of the renaissance school project;
- 21 (12) authorize the New Jersey Housing and Mortgage Finance
22 Agency to provide funding for the construction of dormitories
23 within a renaissance school project;
- 24 (13) authorize the Commissioner of Education to allow
25 individuals who reside outside of the State to be employed at any
26 public school located within a renaissance school district, which
27 would include a school of a renaissance school project, a school of
28 the local district, and a charter school, provided the individuals
29 establish residency in the State within five years of their initial date
30 of employment;
- 31 (14) provide that a renaissance school project is not subject to
32 the facilities efficiency standards; and
- 33 (15) provide that the provisions of the bill apply to all
34 renaissance school projects, including those approved prior to the
35 effective date of the bill.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4194

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 20, 2013

The Assembly Budget Committee reports favorably Assembly Bill No. 4194, with committee amendments.

As amended, this bill makes various changes to the Urban Hope Act including the financing and siting of renaissance school projects.

The “Urban Hope Act,” P.L.2011, c.176 (C.18A:36C-1 et seq.), authorized the Camden, Newark, and Trenton School Districts to, on a limited pilot program basis, partner with one or more nonprofit entities to create “renaissance school projects.”

This bill:

(1) eliminates the requirement that a renaissance school project, which is defined as consisting of a newly-constructed school or group of schools, must be in a common campus setting, instead permitting the schools of a renaissance school project to be in an urban campus area;

(2) requires that the application submitted by the nonprofit entity to create a renaissance school project must include an affirmation that after the initial school facility, any other school facility in which the renaissance school project will be located, will be within the required urban campus area;

(3) requires that the application submitted by the nonprofit entity to create a renaissance school project must include documentation of a funding plan to acquire necessary lands to construct the project, and eliminate the requirement for documentation of the funds available to construct the project and, if the project will include the acquisition of land, a description of the land to be acquired, the costs and timetable for the acquisition, and the plan for financing the acquisition;

(4) includes a requirement, similar to that included for charter schools, that the renaissance school project allow any student who was enrolled in the school in the immediately preceding school year to enroll in the school in the appropriate grade the following year. In addition, the bill provides that for certain types of renaissance school projects, in the case of a grade level at capacity, a student who has been enrolled in the renaissance school project will have enrollment priority in that grade over a student who has just moved into the

attendance area and who would, therefore, otherwise be eligible for automatic enrollment;

(5) explicitly permits renaissance school projects to provide educational programs at the pre-kindergarten grade level;

(6) provides that, as with charter schools, renaissance school projects be considered local education agencies for the limited purpose of applying for federal entitlement and discretionary funds;

(7) provides that, as with charter schools, the renaissance school project must inform the resident school district of any individualized education plan which results in a private day or residential treatment plan for a student, and the resident district would be permitted a certain period of time to challenge that placement. The resident school district would have the fiscal responsibility for any student enrolled in a private day or residential school;

(8) implements, in the case of a renaissance school project which is not built on land owned by the New Jersey Schools Development Authority (SDA) or the renaissance school district, a lottery process for enrollment in the renaissance school project that is the same as the lottery process for a renaissance school project built on land owned by the SDA or the renaissance school district;

(9) permits one of the renaissance school projects in a renaissance school district to include a dormitory and related facilities;

(10) permits a renaissance school district to enter into an agreement with an owner or operator of a renaissance school project which would allow the district to use or occupy the facilities of a renaissance school project when the facilities are not immediately necessary for the operation of the renaissance school project;

(11) authorizes the New Jersey Housing and Mortgage Finance Agency to provide funding for the construction of dormitories within a renaissance school project;

(12) authorizes the Commissioner of Education to allow individuals who reside outside of the State to be employed at any renaissance school project or charter school located within a renaissance school district, provided the individuals establish residency in the State within five years of their initial date of employment;

(13) provides that a renaissance school project is not subject to the facilities efficiency standards; and

(14) provides that the provisions of the bill apply to all renaissance school projects, including those approved prior to the effective date of the bill.

FISCAL IMPACT:

This bill was not certified as requiring a fiscal note.

COMMITTEE AMENDMENTS:

The amendments:

- Reduce the size of the urban campus area in which a renaissance school project must be located if the project does not include a high school;
- Reinsert language requiring a renaissance school project application to include the address of the school facility, but only for the initial facility, and also add the requirement that an affirmation be included in the application that any other facility in which the renaissance school project will be located will be situated within the urban campus area. In the case of a school facility other than the initial school facility, the Commissioner of Education will be required to be notified of its location at least one year prior to its opening;
- Allow the first lottery conducted for enrollment in the renaissance school projects to include any student who resides in the renaissance school district. This lottery will no longer be restricted to public school students residing in the district;
- Limit to only the employees of renaissance school projects and charter schools in the renaissance school district the ability, with the Commissioner of Education's permission, to establish residency within five years of the date of initial employment. Under the bill as introduced, this right was also available to traditional public school employees;
- Revise the authority for issuing bonds under the bill to permit only the board of education of a Type II renaissance school district or a municipality in the case of a Type I renaissance school district to issue bonds for the purpose of paying the fair market value or assuming the outstanding debt of a terminated renaissance school project, as appropriate. The bonds would be issued in accordance with current statutory procedures.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 4194

with Assembly Floor Amendments
(Proposed by Assemblyman FUENTES)

ADOPTED: JUNE 24, 2013

These floor amendments:

- Reduce the size of the urban campus area in which a renaissance school project must be located, except in the case in which a high school building is part of the project;
- Eliminate language authorizing the New Jersey Housing and Mortgage Finance Agency to provide funding for construction of dormitories within a renaissance school project; and
- Eliminate language permitting the board of education or the municipality of a renaissance school district to issue bonds when authorization to operate a renaissance school project is terminated or expires and title of the project reverts to the district.