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[First Reprint]

**SENATE, No. 2941**

**STATE OF NEW JERSEY**

**213th LEGISLATURE**

INTRODUCED JUNE 11, 2009

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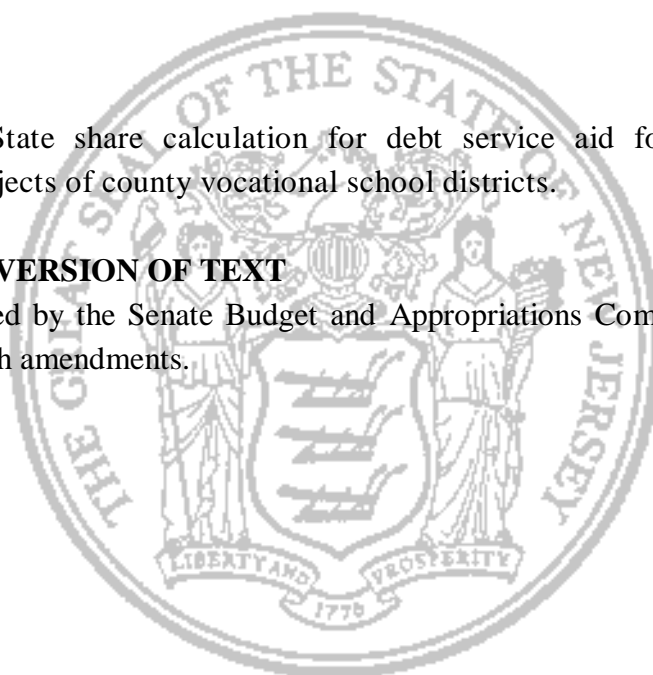
**Senator Girgenti**

**SYNOPSIS**

Revises State share calculation for debt service aid for new school facilities projects of county vocational school districts.

**CURRENT VERSION OF TEXT**

As reported by the Senate Budget and Appropriations Committee on June 22, 2009, with amendments.



**(Sponsorship Updated As Of: 1/8/2010)**

1 AN ACT concerning debt service aid for certain county vocational  
2 school districts and amending P.L.2000, c.72.

3

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

6

7 1. Section 5 of P.L.2000, c.72 (C.18A:7G-5) is amended to  
8 read as follows:

9 5. a. The development authority shall undertake and the  
10 financing authority shall finance the school facilities projects of  
11 SDA districts.

12 b. In the case of a district other than an SDA district, State  
13 support for the project shall be determined pursuant to section 9 or  
14 section 15 of P.L.2000, c.72 (C.18A:7G-9 or C.18A:7G-15), as  
15 applicable.

16 c. Notwithstanding any provision of N.J.S.18A:18A-16 to the  
17 contrary, the procedures for obtaining approval of a school facilities  
18 project shall be as set forth in this act; provided that any district  
19 whose school facilities project is not constructed by the  
20 development authority shall also be required to comply with the  
21 provisions of N.J.S.18A:18A-16.

22 d. (1) Any district seeking to initiate a school facilities project  
23 shall apply to the commissioner for approval of the project. The  
24 application may include, but not be limited to: a description of the  
25 school facilities project; a schematic drawing of the project or, at  
26 the option of the district, preliminary plans and specifications; a  
27 delineation and description of each of the functional components of  
28 the project; educational specifications detailing the programmatic  
29 needs of each proposed space; the number of unhoused students to  
30 be housed in the project; the area allowances per FTE student as  
31 calculated pursuant to section 8 of P.L.2000, c.72 (C.18A:7G-8);  
32 and the estimated cost to complete the project as determined by the  
33 district.

34 (2) In the case of an SDA district school facilities project, based  
35 upon its educational priority ranking and the Statewide strategic  
36 plan established pursuant to subsection m. of this section, the  
37 commissioner may authorize the development authority to  
38 undertake preconstruction activities which may include, but need  
39 not be limited to, site identification, investigation, and acquisition,  
40 feasibility studies, land-related design work, design work, site  
41 remediation, demolition, and acquisition of temporary facilities.  
42 Upon receipt of the authorization, the development authority may  
43 initiate the preconstruction activities required to prepare the

**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:**

<sup>1</sup>Senate SBA committee amendments adopted June 22, 2009.

1 application for commissioner approval of the school facilities  
2 project.

3 e. The commissioner shall review each proposed school  
4 facilities project to determine whether it is consistent with the  
5 district's long-range facilities plan and whether it complies with the  
6 facilities efficiency standards and the area allowances per FTE  
7 student derived from those standards; and in the case of an SDA  
8 district the commissioner shall also review the project's educational  
9 priority ranking and the Statewide strategic plan developed pursuant  
10 to paragraphs (2) and (3) of subsection m. of this section; and in the  
11 case of a district other than an SDA district the commissioner shall  
12 also review the project's priority pursuant to paragraph (4) of  
13 subsection m. of this section. The commissioner shall make a  
14 decision on a district's application within 90 days from the date he  
15 determines that the application is fully and accurately completed  
16 and that all information necessary for a decision has been filed by  
17 the district, or from the date of the last revision made by the district.  
18 If the commissioner is not able to make a decision within 90 days,  
19 he shall notify the district in writing explaining the reason for the  
20 delay and indicating the date on which a decision on the project will  
21 be made, provided that the date shall not be later than 60 days from  
22 the expiration of the original 90 days set forth in this subsection. If  
23 the decision is not made by the subsequent date indicated by the  
24 commissioner, then the project shall be deemed approved and the  
25 preliminary eligible costs for new construction shall be calculated  
26 by using the proposed square footage of the building as the  
27 approved area for unhoused students.

28 f. If the commissioner determines that the school facilities  
29 project complies with the facilities efficiency standards and the  
30 district's long-range facilities plan and does not exceed the area  
31 allowance per FTE student derived from those standards, the  
32 commissioner shall calculate the preliminary eligible costs of the  
33 project pursuant to the formulas set forth in section 7 of P.L.2000,  
34 c.72 (C.18A:7G-7); except that (1) in the case of a county special  
35 services school district or a county vocational school district, the  
36 commissioner shall calculate the preliminary eligible costs to equal  
37 the amount determined by the board of school estimate and  
38 approved by the board of chosen freeholders pursuant to section 14  
39 of P.L.1971, c.271 (C.18A:46-42) or N.J.S.18A:54-31 as  
40 appropriate, and (2) in the case of an SDA district, the  
41 commissioner shall calculate the preliminary eligible costs to equal  
42 the estimated cost as determined by the development authority.

43 g. If the commissioner determines that the school facilities  
44 project is inconsistent with the facilities efficiency standards or  
45 exceeds the area allowances per FTE student derived from those  
46 standards, the commissioner shall notify the district.

47 (1) The commissioner shall approve area allowances in excess  
48 of the area allowances per FTE student derived from the facilities

1 efficiency standards if the board of education or State district  
2 superintendent, as appropriate, demonstrates that school facilities  
3 needs related to required programs cannot be addressed within the  
4 facilities efficiency standards and that all other proposed spaces are  
5 consistent with those standards. The commissioner shall approve  
6 area allowances in excess of the area allowances per FTE student  
7 derived from the facilities efficiency standards if the additional area  
8 allowances are necessary to accommodate centralized facilities to  
9 be shared among two or more school buildings within the district  
10 and the centralized facilities represent a more cost effective  
11 alternative.

12 (2) The commissioner may waive a facilities efficiency standard  
13 if the board of education or State district superintendent, as  
14 appropriate, demonstrates to the commissioner's satisfaction that the  
15 waiver will not adversely affect the educational adequacy of the  
16 school facility, including the ability to deliver the programs and  
17 services necessary to enable all students to achieve the core  
18 curriculum content standards.

19 (3) To house the district's central administration, a district may  
20 request an adjustment to the approved areas for unhoused students  
21 of 2.17 square feet for each FTE student in the projected total  
22 district school enrollment if the proposed administrative offices will  
23 be housed in a school facility and the district demonstrates either  
24 that the existing central administrative offices are obsolete or that it  
25 is more practical to convert those offices to instructional space. To  
26 the extent that existing administrative space will continue to be used  
27 for administrative purposes, the space shall be included in the  
28 formulas set forth in section 7 of P.L.2000, c.72 (C.18A:7G-7).

29 If the commissioner approves excess facilities efficiency  
30 standards or additional area allowances pursuant to paragraph (1),  
31 (2), or (3) of this subsection, the commissioner shall calculate the  
32 preliminary eligible costs based upon the additional area allowances  
33 or excess facilities efficiency standards pursuant to the formulas set  
34 forth in section 7 of P.L.2000, c.72 (C.18A:7G-7). In the event that  
35 the commissioner does not approve the excess facilities efficiency  
36 standards or additional area allowances, the district may either:  
37 modify its submission so that the school facilities project meets the  
38 facilities efficiency standards; or pay for the excess costs.

39 (4) The commissioner shall approve spaces in excess of, or  
40 inconsistent with, the facilities efficiency standards, hereinafter  
41 referred to as nonconforming spaces, upon a determination by the  
42 district that the spaces are necessary to comply with State or federal  
43 law concerning individuals with disabilities, including that the  
44 spaces are necessary to provide in-district programs and services for  
45 current disabled pupils who are being served in out-of-district  
46 placements or in-district programs and services for the projected  
47 disabled pupil population. A district may apply for additional State  
48 aid for nonconforming spaces that will permit pupils with

1 disabilities to be educated to the greatest extent possible in the same  
2 buildings or classes with their nondisabled peers. The  
3 nonconforming spaces may: (a) allow for the return of pupils with  
4 disabilities from private facilities; (b) permit the retention of pupils  
5 with disabilities who would otherwise be placed in private facilities;  
6 (c) provide space for regional programs in a host school building  
7 that houses both disabled and nondisabled pupils; and (d) provide  
8 space for the coordination of regional programs by a county special  
9 services school district, educational services commission, jointure  
10 commission, or other agency authorized by law to provide regional  
11 educational services in a school building that houses both disabled  
12 and nondisabled pupils. A district's State support ratio shall be  
13 adjusted to equal the lesser of the sum of its district aid percentage  
14 as defined in section 3 of P.L.2000, c.72 (C.18A:7G-3) plus 0.25, or  
15 100% for any nonconforming spaces approved by the commissioner  
16 pursuant to this paragraph.

17 h. Upon approval of a school facilities project and  
18 determination of the preliminary eligible costs:

19 (1) In the case of a district other than an SDA district, the  
20 commissioner shall notify the district whether the school facilities  
21 project is approved and, if so approved, the preliminary eligible  
22 costs and the excess costs, if any. Following the determination of  
23 preliminary eligible costs and the notification of project approval,  
24 the district may appeal to the commissioner for an increase in those  
25 costs if the detailed plans and specifications completed by a design  
26 professional for the school facilities project indicate that the cost of  
27 constructing that portion of the project which is consistent with the  
28 facilities efficiency standards and does not exceed the area  
29 allowances per FTE student exceeds the preliminary eligible costs  
30 as determined by the commissioner for the project by 10% or more.  
31 The district shall file its appeal within 30 days of the preparation of  
32 the plans and specifications. If the district chooses not to file an  
33 appeal, then the final eligible costs shall equal the preliminary  
34 eligible costs.

35 The appeal shall outline the reasons why the preliminary eligible  
36 costs calculated for the project are inadequate and estimate the  
37 amount of the adjustment which needs to be made to the  
38 preliminary eligible costs. The commissioner shall forward the  
39 appeal information to the development authority for its review and  
40 recommendation. If the additional costs are the result of factors  
41 that are within the control of the district or are the result of design  
42 factors that are not required to meet the facilities efficiency  
43 standards, the development authority shall recommend to the  
44 commissioner that the preliminary eligible costs be accepted as the  
45 final eligible costs. If the development authority determines the  
46 additional costs are not within the control of the district or are the  
47 result of design factors required to meet the facilities efficiency  
48 standards, the development authority shall recommend to the

1 commissioner a final eligible cost based on its experience for  
2 districts with similar characteristics, provided that, notwithstanding  
3 anything to the contrary, the commissioner shall not approve an  
4 adjustment to the preliminary eligible costs which exceeds 10% of  
5 the preliminary eligible costs. The commissioner shall make a  
6 determination on the appeal within 30 days of its receipt. If the  
7 commissioner does not approve an adjustment to the school  
8 facilities project's preliminary eligible costs, the commissioner shall  
9 issue his findings in writing on the reasons for the denial and on  
10 why the preliminary eligible costs as originally calculated are  
11 sufficient.

12 (2) In the case of an SDA district, the commissioner shall  
13 promptly prepare and submit to the development authority a  
14 preliminary project report which shall consist, at a minimum, of the  
15 following information: a complete description of the school  
16 facilities project; the actual location of the project; the total square  
17 footage of the project together with a breakdown of total square  
18 footage by functional component; the preliminary eligible costs of  
19 the project; the project's priority ranking determined pursuant to  
20 subsection m. of this section; any other factors to be considered by  
21 the development authority in undertaking the project; and the name  
22 and address of the person from the district to contact in regard to  
23 the project.

24 i. Upon receipt by the development authority of the  
25 preliminary project report, the development authority, upon  
26 consultation with the district, shall prepare detailed plans and  
27 specifications and schedules which contain the development  
28 authority's estimated cost and schedule to complete the school  
29 facilities project. The development authority shall transmit to the  
30 commissioner its recommendations in regard to the project which  
31 shall, at a minimum, contain the detailed plans and specifications;  
32 whether the school facilities project can be completed within the  
33 preliminary eligible costs; and any other factors which the  
34 development authority determines should be considered by the  
35 commissioner.

36 (1) In the event that the development authority determines that  
37 the school facilities project can be completed within the preliminary  
38 eligible costs: the final eligible costs shall be deemed to equal the  
39 preliminary eligible costs; the commissioner shall be deemed to  
40 have given final approval to the project; and the preliminary project  
41 report shall be deemed to be the final project report delivered to the  
42 development authority pursuant to subsection j. of this section.

43 (2) In the event that the development authority determines that  
44 the school facilities project cannot be completed within the  
45 preliminary eligible costs, prior to the submission of its  
46 recommendations to the commissioner, the development authority  
47 shall, in consultation with the district and the commissioner,  
48 determine whether changes can be made in the project which will



1 result in a reduction in costs while at the same time meeting the  
2 facilities efficiency standards approved by the commissioner.

3 (a) If the development authority determines that changes in the  
4 school facilities project are possible so that the project can be  
5 accomplished within the scope of the preliminary eligible costs  
6 while still meeting the facilities efficiency standards, the  
7 development authority shall so advise the commissioner, whereupon  
8 the commissioner shall: calculate the final eligible costs to equal the  
9 preliminary eligible costs; give final approval to the project with the  
10 changes noted; and issue a final project report to the development  
11 authority pursuant to subsection j. of this section.

12 (b) If the development authority determines that it is not  
13 possible to make changes in the school facilities project so that it  
14 can be completed within the preliminary eligible costs either  
15 because the additional costs are the result of factors outside the  
16 control of the district or the additional costs are required to meet the  
17 facilities efficiency standards, the development authority shall  
18 recommend to the commissioner that the preliminary eligible costs  
19 be increased accordingly, whereupon the commissioner shall:  
20 calculate the final eligible costs to equal the sum of the preliminary  
21 eligible costs plus the increase recommended by the development  
22 authority; give final approval to the project; and issue a final project  
23 report to the development authority pursuant to subsection j. of this  
24 section.

25 (c) If the additional costs are the result of factors that are within  
26 the control of the district or are the result of design factors that are  
27 not required to meet the facilities efficiency standards or approved  
28 pursuant to paragraph (1) of subsection g. of this section, the  
29 development authority shall recommend to the commissioner that  
30 the preliminary eligible costs be accepted, whereupon the  
31 commissioner shall: calculate the final eligible costs to equal the  
32 preliminary eligible costs and specify the excess costs which are to  
33 be borne by the district; give final approval to the school facilities  
34 project; and issue a final project report to the development authority  
35 pursuant to subsection j. of this section; provided that the  
36 commissioner may approve final eligible costs which are in excess  
37 of the preliminary eligible costs if, in his judgment, the action is  
38 necessary to meet the educational needs of the district.

39 (d) For a school facilities project undertaken by the  
40 development authority, the development authority shall be  
41 responsible for any costs of construction, but only from the  
42 proceeds of bonds issued by the financing authority pursuant to  
43 P.L.2000, c.72 (C.18A:7G-1 et al.) and P.L.2007, c.137 (C.52:18A-  
44 235 et al.), which exceed the amount originally projected by the  
45 development authority and approved for financing by the  
46 development authority, provided that the excess is the result of an  
47 underestimate of labor or materials costs by the development  
48 authority. After receipt by the development authority of the final

1 project report, the district shall be responsible only for the costs  
2 associated with changes, if any, made at the request of the district to  
3 the scope of the school facilities project.

4 j. The development authority shall not commence the  
5 construction of a school facilities project unless the commissioner  
6 transmits to the development authority a final project report and the  
7 district complies with the approval requirements for the local share,  
8 if any, pursuant to section 11 of P.L.2000, c.72 (C.18A:7G-11).  
9 The final project report shall contain all of the information  
10 contained in the preliminary project report and, in addition, shall  
11 contain: the final eligible costs; the excess costs, if any; the total  
12 costs which equals the final eligible costs plus excess costs, if any;  
13 the State share; and the local share.

14 k. For the SDA districts, the State share shall be 100% of the  
15 final eligible costs. ~~For~~ Except as otherwise provided pursuant to  
16 '[sections 9 and 10 of P.L.2000, c.72 (C.18A:7G-9 and C.18A:7G-  
17 10)] section 9 of P.L.2000, c.72 (C.18A:7G-9)' , for all other  
18 districts, the State share shall be an amount equal to the district aid  
19 percentage; except that the State share shall not be less than 40% of  
20 the final eligible costs.

21 If any district which is included in district factor group A or B,  
22 other than an SDA district, is having difficulty financing the local  
23 share of a school facilities project, the district may apply to the  
24 commissioner to receive 100% State support for the project and the  
25 commissioner may request the approval of the Legislature to  
26 increase the State share of the project to 100%.

27 l. The local share for school facilities projects constructed by  
28 the authority or a redevelopment entity shall equal the final eligible  
29 costs plus any excess costs less the State share.

30 m. (1) Within 90 days of the effective date of P.L.2007, c.137  
31 (C.52:18A-235 et al.), the commissioner shall develop an  
32 educational facilities needs assessment for each SDA district. The  
33 assessment shall be updated periodically by the commissioner in  
34 accordance with the schedule the commissioner deems appropriate  
35 for the district; except that each assessment shall at a minimum be  
36 updated within five years of the development of the district's most  
37 recent prior educational facilities needs assessment. The  
38 assessment shall be transmitted to the development authority to be  
39 used to initiate the planning activities required prior to the  
40 establishment of the educational priority ranking of school facilities  
41 projects pursuant to paragraph (2) of this subsection.

42 (2) Following the approval of an SDA district's long-range  
43 facilities plan or of an amendment to that plan, but prior to  
44 authorization of preconstruction activities for a school facilities  
45 project included in the plan or amendment, the commissioner shall  
46 establish, in consultation with the SDA district, an educational  
47 priority ranking of all school facilities projects in the SDA district

1 based upon the commissioner's determination of critical need in  
2 accordance with priority project categories developed by the  
3 commissioner. The priority project categories shall include, but not  
4 be limited to, health and safety, overcrowding in the early  
5 childhood, elementary, middle, and high school grade levels, spaces  
6 necessary to provide in-district programs and services for current  
7 disabled students who are being served in out-of-district placements  
8 or in-district programs and services for the projected disabled  
9 student population, rehabilitation, and educational adequacy.

10 (3) Upon the commissioner's determination of the educational  
11 priority ranking of school facilities projects in SDA districts  
12 pursuant to paragraph (2) of this subsection, the development  
13 authority, in consultation with the commissioner, the SDA districts,  
14 and the governing bodies of the municipalities in which the SDA  
15 districts are situate, shall establish a Statewide strategic plan to be  
16 used in the sequencing of SDA district school facilities projects  
17 based upon the projects' educational priority rankings and issues  
18 which impact the development authority's ability to complete the  
19 projects including, but not limited to, the construction schedule and  
20 other appropriate factors. The development authority shall revise  
21 the Statewide strategic plan and the sequencing of SDA district  
22 school facilities projects in accordance with that plan no less than  
23 once every five years.

24 Any amendment to an SDA district's long-range facilities plan  
25 that is submitted to the commissioner in the period between the  
26 five-year updates of the long-range facilities plan shall be  
27 considered by the development authority, in consultation with the  
28 commissioner, for incorporation into the Statewide strategic plan.  
29 In making a determination on whether or not to amend the  
30 Statewide strategic plan, the development authority shall consider  
31 the cost of the amendment, the impact of the amendment upon the  
32 school development plans for other districts, and other appropriate  
33 factors.

34 (4) In the case of a district other than an SDA district, the  
35 commissioner shall establish a priority process for the financing of  
36 school facilities projects based upon the commissioner's  
37 determination of critical need in accordance with priority project  
38 categories developed by the commissioner. The priority project  
39 categories shall include, but not be limited to, health and safety,  
40 overcrowding in the elementary, middle, and high school grade  
41 levels, spaces necessary to provide in-district programs and services  
42 for current disabled students who are being served in out-of-district  
43 placements or in-district programs and services for the projected  
44 disabled student population, and full-day kindergarten facilities in  
45 the case of school districts required to provide full-day preschool  
46 pursuant to section 12 of P.L.2007, c.260 (C.18A:7F-54).

47 n. The provisions of the "Public School Contracts Law,"  
48 N.J.S.18A:18A-1 et seq., shall be applicable to any school facilities

1 project constructed by a district but shall not be applicable to  
2 projects constructed by the development authority or a  
3 redevelopment entity pursuant to the provisions of this act.

4 o. In the case of a school facilities project of a district other  
5 than an SDA district, any proceeds of school bonds issued by the  
6 district for the purpose of funding the project which remain unspent  
7 upon completion of the project shall be used by the district to  
8 reduce the outstanding principal amount of the school bonds.

9 p. Upon completion by the development authority of a school  
10 facilities project, if the cost of construction and completion of the  
11 project is less than the total costs, the district shall be entitled to  
12 receive a portion of the local share based on a pro rata share of the  
13 difference based on the ratio of the State share to the local share.

14 q. The development authority shall determine the cause of any  
15 costs of construction which exceed the amount originally projected  
16 by the development authority and approved for financing by the  
17 financing authority.

18 r. (Deleted by amendment, P.L.2007, c.137).

19 s. (Deleted by amendment, P.L.2007, c.137).

20 (cf: P.L.2008, c.39, s.2)

21

22 2. Section 9 of P.L.2000, c.72 (C.18A:7G-9) is amended to  
23 read as follows:

24 9. a. State debt service aid for capital investment in school  
25 facilities for a district other than an SDA district which elects not to  
26 finance the project under section 15 of P.L.2000, c.72 (C.18A:7G-  
27 15), shall be distributed upon a determination of preliminary  
28 eligible costs by the commissioner, according to the following  
29 formula:

30 Aid is the sum of A for each issuance of school bonds issued for  
31 a school facilities project approved by the commissioner after the  
32 effective date of P.L.2000, c.72 (C.18A:7G-1 et al.)

33 where

34  $A = B \times AC/P \times DAP \times M$ , with  $AC/P = 1$

35 whenever  $AC/P$  would otherwise yield a number greater than one,

36 and where:

37 B is the district's debt service for the individual issuance for the  
38 fiscal year;

39 AC is the preliminary eligible costs determined pursuant to  
40 section 7 of P.L.2000, c.72 (C.18A:7G-7);

41 P is the principal of the individual issuance plus any other  
42 funding sources approved for the school facilities project;

43 DAP is the district's district aid percentage as defined pursuant to  
44 section 3 of P.L.2000, c.72 (C.18A:7G-3) and where DAP shall not  
45 be less than 40%; and

46 M is a factor representing the degree to which a district has  
47 fulfilled maintenance requirements for a school facilities project  
48 determined pursuant to subsection b. of this section.

1 For county special services school districts, DAP shall be that of  
 2 the county vocational school district in the same county.

3 Notwithstanding the provisions of this subsection to the contrary,  
 4 '[in the case of a county vocational school district which has a  
 5 resident enrollment composed of at least 90% of students who  
 6 reside in SDA districts, DAP shall not be less than 90% ] DAP for a  
 7 county vocational school district school facilities project that is  
 8 approved by the commissioner following the effective date of  
 9 P.L. , c. (pending before the Legislature as this bill) shall equal  
 10 the greater of the district's district aid percentage as defined  
 11 pursuant to section 3 of P.L.2000, c.72 (C.18A:7G-3) or the  
 12 percentage of the students in the county vocational school district's  
 13 resident enrollment who reside in SDA districts; except that DAP  
 14 shall not be less than 40% or greater than 90% '.

15 b. The maintenance factor (M) shall be 1.0 except when one of  
 16 the following conditions applies, in which case the maintenance  
 17 factor shall be as specified:

18 (1) Effective ten years from the date of the enactment of  
 19 P.L.2000, c.72 (C.18A:7G-1 et al.), the maintenance factor for aid  
 20 for reconstruction, remodeling, alteration, modernization,  
 21 renovation or repair, or for an addition to a school facility, shall be  
 22 zero for all school facilities projects for which the district fails to  
 23 demonstrate over the ten years preceding issuance a net investment  
 24 in maintenance of the related school facility of at least 2% of the  
 25 replacement cost of the school facility, determined pursuant to  
 26 subsection b. of section 7 of P.L.2000, c.72 (C.18A:7G-7) using the  
 27 area cost allowance of the year ten years preceding the year in  
 28 which the school bonds are issued.

29 (2) For new construction, additions, and school facilities aided  
 30 under subsection b. of section 7 of P.L.2000, c.72 (C.18A:7G-7)  
 31 supported by financing issued for projects approved by the  
 32 commissioner after the effective date of P.L.2000, c.72 (C.18A:7G-  
 33 1 et al.), beginning in the fourth year after occupancy of the school  
 34 facility, the maintenance factor shall be reduced according to the  
 35 following schedule for all school facilities projects for which the  
 36 district fails to demonstrate in the prior fiscal year an investment in  
 37 maintenance of the related school facility of at least two-tenths of  
 38 1% of the replacement cost of the school facility, determined  
 39 pursuant to subsection b. of section 7 of P.L.2000, c.72 (C.18A:7G-  
 40 7).

41 Maintenance Percentage	Maintenance Factor (M)
42 .199% - .151%	75%
43 .150% - .100%	50%
44 Less than .100%	Zero

45 (3) Within one year of the enactment of P.L.2000, c.72  
 46 (C.18A:7G-1 et al.), the commissioner shall promulgate rules  
 47 requiring districts to develop a long-range maintenance plan and

1 specifying the expenditures that qualify as an appropriate  
2 investment in maintenance for the purposes of this subsection.

3 c. Any district which obtained approval from the commissioner  
4 since September 1, 1998 and prior to the effective date of P.L.2000,  
5 c.72 (C.18A:7G-1 et al.) of the educational specifications for a  
6 school facilities project or obtained approval from the Department  
7 of Community Affairs or the appropriately licensed municipal code  
8 official since September 1, 1998 of the final construction plans and  
9 specifications, and the district has issued debt, may elect to have the  
10 final eligible costs of the project determined pursuant to section 5 of  
11 P.L.2000, c.72 (C.18A:7G-5) and to receive debt service aid under  
12 this section or under section 10 of P.L.2000, c.72 (C.18A:7G-10).

13 Any district which received approval from the commissioner for  
14 a school facilities project at any time prior to the effective date of  
15 P.L.2000, c.72 (C.18A:7G-1 et al.), and has not issued debt, other  
16 than short term notes, may submit an application pursuant to section  
17 5 of P.L.2000, c.72 (C.18A:7G-5) to have the final eligible costs of  
18 the project determined pursuant to that section and to have the New  
19 Jersey Economic Development Authority construct the project; or,  
20 at its discretion, the district may choose to receive debt service aid  
21 under this section or under section 10 of P.L.2000, c.72 (C.18A:7G-  
22 10) or to receive a grant under section 15 of P.L.2000, c.72  
23 (C.18A:7G-15).

24 For the purposes of this subsection, the "issuance of debt" shall  
25 include lease purchase agreements in excess of five years.

26 d. For school bonds issued for a school facilities project after  
27 the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.) and prior to  
28 the effective date of P.L.2008, c.39 (C.18A:7G-14.1 et al.), State  
29 debt service aid shall be calculated in accordance with the  
30 provisions of this section as the same read before the effective date  
31 of P.L.2008, c.39 (C.18A:7G-14.1 et al.).

32 (cf: P.L.2008, c.39, s.3)

33

34 <sup>1</sup>[3. Section 10 of P.L.2000, c.72 (C.18A:7G-10) is amended to  
35 read as follows:

36 10. For each issuance of school bonds or certificates of  
37 participation issued for a school facilities project approved by the  
38 commissioner prior to the effective date of P.L.2000, c.72  
39 (C.18A:7G-1 et al.):

40 Aid is the sum of A

41 where

42  $A = B \times EQAID/AB$

43 and where

44 B is the district's total debt service or lease purchase payment for  
45 the individual issuance for the fiscal year;

46 EQAID is the district's equalization aid amount determined  
47 pursuant to section 11 of P.L.2007, c.260 (C.18A:7G-53); and

1 AB is the district's adequacy budget determined pursuant to  
2 section 9 of P.L.2007, c.260 (C.18A:7F-51).

3 For county special services school districts, EQAID/AB shall be  
4 that of the county vocational school district in the same county.

5 Notwithstanding the provisions of this section to the contrary, in the  
6 case of a county vocational school district which has a resident  
7 enrollment composed of at least 90% of students who reside in SDA  
8 districts, EQUAID/AB shall not be less than 90%.

9 (cf: P.L.2007, c.260, s.43)]<sup>1</sup>

10

11 <sup>1</sup>[4.] 3.<sup>1</sup> This act shall take effect immediately.

# SENATE, No. 2941

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED JUNE 11, 2009

**Sponsored by:**

**Senator RICHARD J. CODEY**

**District 27 (Essex)**

**Senator RONALD L. RICE**

**District 28 (Essex)**

**SYNOPSIS**

Increases State support for debt service costs of county vocational school districts with a resident enrollment composed of at least 90% of SDA district resident students.

**CURRENT VERSION OF TEXT**

As introduced.





1 AN ACT concerning debt service aid for certain county vocational  
2 school districts and amending P.L.2000, c.72.

3

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

6

7 1. Section 5 of P.L.2000, c.72 (C.18A:7G-5) is amended to  
8 read as follows:

9 5. a. The development authority shall undertake and the  
10 financing authority shall finance the school facilities projects of  
11 SDA districts.

12 b. In the case of a district other than an SDA district, State  
13 support for the project shall be determined pursuant to section 9 or  
14 section 15 of P.L.2000, c.72 (C.18A:7G-9 or C.18A:7G-15), as  
15 applicable.

16 c. Notwithstanding any provision of N.J.S.18A:18A-16 to the  
17 contrary, the procedures for obtaining approval of a school facilities  
18 project shall be as set forth in this act; provided that any district  
19 whose school facilities project is not constructed by the  
20 development authority shall also be required to comply with the  
21 provisions of N.J.S.18A:18A-16.

22 d. (1) Any district seeking to initiate a school facilities project  
23 shall apply to the commissioner for approval of the project. The  
24 application may include, but not be limited to: a description of the  
25 school facilities project; a schematic drawing of the project or, at  
26 the option of the district, preliminary plans and specifications; a  
27 delineation and description of each of the functional components of  
28 the project; educational specifications detailing the programmatic  
29 needs of each proposed space; the number of unhoused students to  
30 be housed in the project; the area allowances per FTE student as  
31 calculated pursuant to section 8 of P.L.2000, c.72 (C.18A:7G-8);  
32 and the estimated cost to complete the project as determined by the  
33 district.

34 (2) In the case of an SDA district school facilities project, based  
35 upon its educational priority ranking and the Statewide strategic  
36 plan established pursuant to subsection m. of this section, the  
37 commissioner may authorize the development authority to  
38 undertake preconstruction activities which may include, but need  
39 not be limited to, site identification, investigation, and acquisition,  
40 feasibility studies, land-related design work, design work, site  
41 remediation, demolition, and acquisition of temporary facilities.  
42 Upon receipt of the authorization, the development authority may  
43 initiate the preconstruction activities required to prepare the

**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 application for commissioner approval of the school facilities  
2 project.

3 e. The commissioner shall review each proposed school  
4 facilities project to determine whether it is consistent with the  
5 district's long-range facilities plan and whether it complies with the  
6 facilities efficiency standards and the area allowances per FTE  
7 student derived from those standards; and in the case of an SDA  
8 district the commissioner shall also review the project's educational  
9 priority ranking and the Statewide strategic plan developed pursuant  
10 to paragraphs (2) and (3) of subsection m. of this section; and in the  
11 case of a district other than an SDA district the commissioner shall  
12 also review the project's priority pursuant to paragraph (4) of  
13 subsection m. of this section. The commissioner shall make a  
14 decision on a district's application within 90 days from the date he  
15 determines that the application is fully and accurately completed  
16 and that all information necessary for a decision has been filed by  
17 the district, or from the date of the last revision made by the district.  
18 If the commissioner is not able to make a decision within 90 days,  
19 he shall notify the district in writing explaining the reason for the  
20 delay and indicating the date on which a decision on the project will  
21 be made, provided that the date shall not be later than 60 days from  
22 the expiration of the original 90 days set forth in this subsection. If  
23 the decision is not made by the subsequent date indicated by the  
24 commissioner, then the project shall be deemed approved and the  
25 preliminary eligible costs for new construction shall be calculated  
26 by using the proposed square footage of the building as the  
27 approved area for unhoused students.

28 f. If the commissioner determines that the school facilities  
29 project complies with the facilities efficiency standards and the  
30 district's long-range facilities plan and does not exceed the area  
31 allowance per FTE student derived from those standards, the  
32 commissioner shall calculate the preliminary eligible costs of the  
33 project pursuant to the formulas set forth in section 7 of P.L.2000,  
34 c.72 (C.18A:7G-7); except that (1) in the case of a county special  
35 services school district or a county vocational school district, the  
36 commissioner shall calculate the preliminary eligible costs to equal  
37 the amount determined by the board of school estimate and  
38 approved by the board of chosen freeholders pursuant to section 14  
39 of P.L.1971, c.271 (C.18A:46-42) or N.J.S.18A:54-31 as  
40 appropriate, and (2) in the case of an SDA district, the  
41 commissioner shall calculate the preliminary eligible costs to equal  
42 the estimated cost as determined by the development authority.

43 g. If the commissioner determines that the school facilities  
44 project is inconsistent with the facilities efficiency standards or  
45 exceeds the area allowances per FTE student derived from those  
46 standards, the commissioner shall notify the district.

1 (1) The commissioner shall approve area allowances in excess  
2 of the area allowances per FTE student derived from the facilities  
3 efficiency standards if the board of education or State district  
4 superintendent, as appropriate, demonstrates that school facilities  
5 needs related to required programs cannot be addressed within the  
6 facilities efficiency standards and that all other proposed spaces are  
7 consistent with those standards. The commissioner shall approve  
8 area allowances in excess of the area allowances per FTE student  
9 derived from the facilities efficiency standards if the additional area  
10 allowances are necessary to accommodate centralized facilities to  
11 be shared among two or more school buildings within the district  
12 and the centralized facilities represent a more cost effective  
13 alternative.

14 (2) The commissioner may waive a facilities efficiency standard  
15 if the board of education or State district superintendent, as  
16 appropriate, demonstrates to the commissioner's satisfaction that the  
17 waiver will not adversely affect the educational adequacy of the  
18 school facility, including the ability to deliver the programs and  
19 services necessary to enable all students to achieve the core  
20 curriculum content standards.

21 (3) To house the district's central administration, a district may  
22 request an adjustment to the approved areas for unhoused students  
23 of 2.17 square feet for each FTE student in the projected total  
24 district school enrollment if the proposed administrative offices will  
25 be housed in a school facility and the district demonstrates either  
26 that the existing central administrative offices are obsolete or that it  
27 is more practical to convert those offices to instructional space. To  
28 the extent that existing administrative space will continue to be used  
29 for administrative purposes, the space shall be included in the  
30 formulas set forth in section 7 of P.L.2000, c.72 (C.18A:7G-7).

31 If the commissioner approves excess facilities efficiency  
32 standards or additional area allowances pursuant to paragraph (1),  
33 (2), or (3) of this subsection, the commissioner shall calculate the  
34 preliminary eligible costs based upon the additional area allowances  
35 or excess facilities efficiency standards pursuant to the formulas set  
36 forth in section 7 of P.L.2000, c.72 (C.18A:7G-7). In the event that  
37 the commissioner does not approve the excess facilities efficiency  
38 standards or additional area allowances, the district may either:  
39 modify its submission so that the school facilities project meets the  
40 facilities efficiency standards; or pay for the excess costs.

41 (4) The commissioner shall approve spaces in excess of, or  
42 inconsistent with, the facilities efficiency standards, hereinafter  
43 referred to as nonconforming spaces, upon a determination by the  
44 district that the spaces are necessary to comply with State or federal  
45 law concerning individuals with disabilities, including that the  
46 spaces are necessary to provide in-district programs and services for

1 current disabled pupils who are being served in out-of-district  
2 placements or in-district programs and services for the projected  
3 disabled pupil population. A district may apply for additional State  
4 aid for nonconforming spaces that will permit pupils with  
5 disabilities to be educated to the greatest extent possible in the same  
6 buildings or classes with their nondisabled peers. The  
7 nonconforming spaces may: (a) allow for the return of pupils with  
8 disabilities from private facilities; (b) permit the retention of pupils  
9 with disabilities who would otherwise be placed in private facilities;  
10 (c) provide space for regional programs in a host school building  
11 that houses both disabled and nondisabled pupils; and (d) provide  
12 space for the coordination of regional programs by a county special  
13 services school district, educational services commission, jointure  
14 commission, or other agency authorized by law to provide regional  
15 educational services in a school building that houses both disabled  
16 and nondisabled pupils. A district's State support ratio shall be  
17 adjusted to equal the lesser of the sum of its district aid percentage  
18 as defined in section 3 of P.L.2000, c.72 (C.18A:7G-3) plus 0.25, or  
19 100% for any nonconforming spaces approved by the commissioner  
20 pursuant to this paragraph.

21 h. Upon approval of a school facilities project and  
22 determination of the preliminary eligible costs:

23 (1) In the case of a district other than an SDA district, the  
24 commissioner shall notify the district whether the school facilities  
25 project is approved and, if so approved, the preliminary eligible  
26 costs and the excess costs, if any. Following the determination of  
27 preliminary eligible costs and the notification of project approval,  
28 the district may appeal to the commissioner for an increase in those  
29 costs if the detailed plans and specifications completed by a design  
30 professional for the school facilities project indicate that the cost of  
31 constructing that portion of the project which is consistent with the  
32 facilities efficiency standards and does not exceed the area  
33 allowances per FTE student exceeds the preliminary eligible costs  
34 as determined by the commissioner for the project by 10% or more.  
35 The district shall file its appeal within 30 days of the preparation of  
36 the plans and specifications. If the district chooses not to file an  
37 appeal, then the final eligible costs shall equal the preliminary  
38 eligible costs.

39 The appeal shall outline the reasons why the preliminary eligible  
40 costs calculated for the project are inadequate and estimate the  
41 amount of the adjustment which needs to be made to the  
42 preliminary eligible costs. The commissioner shall forward the  
43 appeal information to the development authority for its review and  
44 recommendation. If the additional costs are the result of factors  
45 that are within the control of the district or are the result of design  
46 factors that are not required to meet the facilities efficiency

1 standards, the development authority shall recommend to the  
2 commissioner that the preliminary eligible costs be accepted as the  
3 final eligible costs. If the development authority determines the  
4 additional costs are not within the control of the district or are the  
5 result of design factors required to meet the facilities efficiency  
6 standards, the development authority shall recommend to the  
7 commissioner a final eligible cost based on its experience for  
8 districts with similar characteristics, provided that, notwithstanding  
9 anything to the contrary, the commissioner shall not approve an  
10 adjustment to the preliminary eligible costs which exceeds 10% of  
11 the preliminary eligible costs. The commissioner shall make a  
12 determination on the appeal within 30 days of its receipt. If the  
13 commissioner does not approve an adjustment to the school  
14 facilities project's preliminary eligible costs, the commissioner shall  
15 issue his findings in writing on the reasons for the denial and on  
16 why the preliminary eligible costs as originally calculated are  
17 sufficient.

18 (2) In the case of an SDA district, the commissioner shall  
19 promptly prepare and submit to the development authority a  
20 preliminary project report which shall consist, at a minimum, of the  
21 following information: a complete description of the school  
22 facilities project; the actual location of the project; the total square  
23 footage of the project together with a breakdown of total square  
24 footage by functional component; the preliminary eligible costs of  
25 the project; the project's priority ranking determined pursuant to  
26 subsection m. of this section; any other factors to be considered by  
27 the development authority in undertaking the project; and the name  
28 and address of the person from the district to contact in regard to  
29 the project.

30 i. Upon receipt by the development authority of the  
31 preliminary project report, the development authority, upon  
32 consultation with the district, shall prepare detailed plans and  
33 specifications and schedules which contain the development  
34 authority's estimated cost and schedule to complete the school  
35 facilities project. The development authority shall transmit to the  
36 commissioner its recommendations in regard to the project which  
37 shall, at a minimum, contain the detailed plans and specifications;  
38 whether the school facilities project can be completed within the  
39 preliminary eligible costs; and any other factors which the  
40 development authority determines should be considered by the  
41 commissioner.

42 (1) In the event that the development authority determines that  
43 the school facilities project can be completed within the preliminary  
44 eligible costs: the final eligible costs shall be deemed to equal the  
45 preliminary eligible costs; the commissioner shall be deemed to  
46 have given final approval to the project; and the preliminary project

1 report shall be deemed to be the final project report delivered to the  
2 development authority pursuant to subsection j. of this section.

3 (2) In the event that the development authority determines that  
4 the school facilities project cannot be completed within the  
5 preliminary eligible costs, prior to the submission of its  
6 recommendations to the commissioner, the development authority  
7 shall, in consultation with the district and the commissioner,  
8 determine whether changes can be made in the project which will  
9 result in a reduction in costs while at the same time meeting the  
10 facilities efficiency standards approved by the commissioner.

11 (a) If the development authority determines that changes in the  
12 school facilities project are possible so that the project can be  
13 accomplished within the scope of the preliminary eligible costs  
14 while still meeting the facilities efficiency standards, the  
15 development authority shall so advise the commissioner, whereupon  
16 the commissioner shall: calculate the final eligible costs to equal the  
17 preliminary eligible costs; give final approval to the project with the  
18 changes noted; and issue a final project report to the development  
19 authority pursuant to subsection j. of this section.

20 (b) If the development authority determines that it is not  
21 possible to make changes in the school facilities project so that it  
22 can be completed within the preliminary eligible costs either  
23 because the additional costs are the result of factors outside the  
24 control of the district or the additional costs are required to meet the  
25 facilities efficiency standards, the development authority shall  
26 recommend to the commissioner that the preliminary eligible costs  
27 be increased accordingly, whereupon the commissioner shall:  
28 calculate the final eligible costs to equal the sum of the preliminary  
29 eligible costs plus the increase recommended by the development  
30 authority; give final approval to the project; and issue a final project  
31 report to the development authority pursuant to subsection j. of this  
32 section.

33 (c) If the additional costs are the result of factors that are within  
34 the control of the district or are the result of design factors that are  
35 not required to meet the facilities efficiency standards or approved  
36 pursuant to paragraph (1) of subsection g. of this section, the  
37 development authority shall recommend to the commissioner that  
38 the preliminary eligible costs be accepted, whereupon the  
39 commissioner shall: calculate the final eligible costs to equal the  
40 preliminary eligible costs and specify the excess costs which are to  
41 be borne by the district; give final approval to the school facilities  
42 project; and issue a final project report to the development authority  
43 pursuant to subsection j. of this section; provided that the  
44 commissioner may approve final eligible costs which are in excess  
45 of the preliminary eligible costs if, in his judgment, the action is  
46 necessary to meet the educational needs of the district.

1 (d) For a school facilities project undertaken by the  
2 development authority, the development authority shall be  
3 responsible for any costs of construction, but only from the  
4 proceeds of bonds issued by the financing authority pursuant to  
5 P.L.2000, c.72 (C.18A:7G-1 et al.) and P.L.2007, c.137 (C.52:18A-  
6 235 et al.), which exceed the amount originally projected by the  
7 development authority and approved for financing by the  
8 development authority, provided that the excess is the result of an  
9 underestimate of labor or materials costs by the development  
10 authority. After receipt by the development authority of the final  
11 project report, the district shall be responsible only for the costs  
12 associated with changes, if any, made at the request of the district to  
13 the scope of the school facilities project.

14 j. The development authority shall not commence the  
15 construction of a school facilities project unless the commissioner  
16 transmits to the development authority a final project report and the  
17 district complies with the approval requirements for the local share,  
18 if any, pursuant to section 11 of P.L.2000, c.72 (C.18A:7G-11).  
19 The final project report shall contain all of the information  
20 contained in the preliminary project report and, in addition, shall  
21 contain: the final eligible costs; the excess costs, if any; the total  
22 costs which equals the final eligible costs plus excess costs, if any;  
23 the State share; and the local share.

24 k. For the SDA districts, the State share shall be 100% of the  
25 final eligible costs. 【For】 Except as otherwise provided pursuant to  
26 sections 9 and 10 of P.L.2000, c.72 (C.18A:7G-9 and C.18A:7G-  
27 10), for all other districts, the State share shall be an amount equal  
28 to the district aid percentage; except that the State share shall not  
29 be less than 40% of the final eligible costs.

30 If any district which is included in district factor group A or B,  
31 other than an SDA district, is having difficulty financing the local  
32 share of a school facilities project, the district may apply to the  
33 commissioner to receive 100% State support for the project and the  
34 commissioner may request the approval of the Legislature to  
35 increase the State share of the project to 100%.

36 l. The local share for school facilities projects constructed by  
37 the authority or a redevelopment entity shall equal the final eligible  
38 costs plus any excess costs less the State share.

39 m. (1) Within 90 days of the effective date of P.L.2007, c.137  
40 (C.52:18A-235 et al.), the commissioner shall develop an  
41 educational facilities needs assessment for each SDA district. The  
42 assessment shall be updated periodically by the commissioner in  
43 accordance with the schedule the commissioner deems appropriate  
44 for the district; except that each assessment shall at a minimum be  
45 updated within five years of the development of the district's most  
46 recent prior educational facilities needs assessment. The

1 assessment shall be transmitted to the development authority to be  
2 used to initiate the planning activities required prior to the  
3 establishment of the educational priority ranking of school facilities  
4 projects pursuant to paragraph (2) of this subsection.

5 (2) Following the approval of an SDA district's long-range  
6 facilities plan or of an amendment to that plan, but prior to  
7 authorization of preconstruction activities for a school facilities  
8 project included in the plan or amendment, the commissioner shall  
9 establish, in consultation with the SDA district, an educational  
10 priority ranking of all school facilities projects in the SDA district  
11 based upon the commissioner's determination of critical need in  
12 accordance with priority project categories developed by the  
13 commissioner. The priority project categories shall include, but not  
14 be limited to, health and safety, overcrowding in the early  
15 childhood, elementary, middle, and high school grade levels, spaces  
16 necessary to provide in-district programs and services for current  
17 disabled students who are being served in out-of-district placements  
18 or in-district programs and services for the projected disabled  
19 student population, rehabilitation, and educational adequacy.

20 (3) Upon the commissioner's determination of the educational  
21 priority ranking of school facilities projects in SDA districts  
22 pursuant to paragraph (2) of this subsection, the development  
23 authority, in consultation with the commissioner, the SDA districts,  
24 and the governing bodies of the municipalities in which the SDA  
25 districts are situate, shall establish a Statewide strategic plan to be  
26 used in the sequencing of SDA district school facilities projects  
27 based upon the projects' educational priority rankings and issues  
28 which impact the development authority's ability to complete the  
29 projects including, but not limited to, the construction schedule and  
30 other appropriate factors. The development authority shall revise  
31 the Statewide strategic plan and the sequencing of SDA district  
32 school facilities projects in accordance with that plan no less than  
33 once every five years.

34 Any amendment to an SDA district's long-range facilities plan  
35 that is submitted to the commissioner in the period between the  
36 five-year updates of the long-range facilities plan shall be  
37 considered by the development authority, in consultation with the  
38 commissioner, for incorporation into the Statewide strategic plan.  
39 In making a determination on whether or not to amend the  
40 Statewide strategic plan, the development authority shall consider  
41 the cost of the amendment, the impact of the amendment upon the  
42 school development plans for other districts, and other appropriate  
43 factors.

44 (4) In the case of a district other than an SDA district, the  
45 commissioner shall establish a priority process for the financing of  
46 school facilities projects based upon the commissioner's



1 determination of critical need in accordance with priority project  
2 categories developed by the commissioner. The priority project  
3 categories shall include, but not be limited to, health and safety,  
4 overcrowding in the elementary, middle, and high school grade  
5 levels, spaces necessary to provide in-district programs and services  
6 for current disabled students who are being served in out-of-district  
7 placements or in-district programs and services for the projected  
8 disabled student population, and full-day kindergarten facilities in  
9 the case of school districts required to provide full-day preschool  
10 pursuant to section 12 of P.L.2007, c.260 (C.18A:7F-54).

11 n. The provisions of the "Public School Contracts Law,"  
12 N.J.S.18A:18A-1 et seq., shall be applicable to any school facilities  
13 project constructed by a district but shall not be applicable to  
14 projects constructed by the development authority or a  
15 redevelopment entity pursuant to the provisions of this act.

16 o. In the case of a school facilities project of a district other  
17 than an SDA district, any proceeds of school bonds issued by the  
18 district for the purpose of funding the project which remain unspent  
19 upon completion of the project shall be used by the district to  
20 reduce the outstanding principal amount of the school bonds.

21 p. Upon completion by the development authority of a school  
22 facilities project, if the cost of construction and completion of the  
23 project is less than the total costs, the district shall be entitled to  
24 receive a portion of the local share based on a pro rata share of the  
25 difference based on the ratio of the State share to the local share.

26 q. The development authority shall determine the cause of any  
27 costs of construction which exceed the amount originally projected  
28 by the development authority and approved for financing by the  
29 financing authority.

30 r. (Deleted by amendment, P.L.2007, c.137).

31 s. (Deleted by amendment, P.L.2007, c.137).

32 (cf: P.L.2008, c.39, s.2)

33

34 2. Section 9 of P.L.2000, c.72 (C.18A:7G-9) is amended to  
35 read as follows:

36 9. a. State debt service aid for capital investment in school  
37 facilities for a district other than an SDA district which elects not to  
38 finance the project under section 15 of P.L.2000, c.72 (C.18A:7G-  
39 15), shall be distributed upon a determination of preliminary  
40 eligible costs by the commissioner, according to the following  
41 formula:

42 Aid is the sum of A for each issuance of school bonds issued for  
43 a school facilities project approved by the commissioner after the  
44 effective date of P.L.2000, c.72 (C.18A:7G-1 et al.)

45 where

46  $A = B \times AC/P \times DAP \times M$ , with  $AC/P = 1$

1 whenever AC/P would otherwise yield a number greater than one,  
2 and where:

3 B is the district's debt service for the individual issuance for the  
4 fiscal year;

5 AC is the preliminary eligible costs determined pursuant to  
6 section 7 of P.L.2000, c.72 (C.18A:7G-7);

7 P is the principal of the individual issuance plus any other  
8 funding sources approved for the school facilities project;

9 DAP is the district's district aid percentage as defined pursuant to  
10 section 3 of P.L.2000, c.72 (C.18A:7G-3) and where DAP shall not  
11 be less than 40%; and

12 M is a factor representing the degree to which a district has  
13 fulfilled maintenance requirements for a school facilities project  
14 determined pursuant to subsection b. of this section.

15 For county special services school districts, DAP shall be that of  
16 the county vocational school district in the same county.

17 Notwithstanding the provisions of this subsection to the contrary,  
18 in the case of a county vocational school district which has a  
19 resident enrollment composed of at least 90% of students who  
20 reside in SDA districts, DAP shall not be less than 90%.

21 b. The maintenance factor (M) shall be 1.0 except when one of  
22 the following conditions applies, in which case the maintenance  
23 factor shall be as specified:

24 (1) Effective ten years from the date of the enactment of  
25 P.L.2000, c.72 (C.18A:7G-1 et al.), the maintenance factor for aid  
26 for reconstruction, remodeling, alteration, modernization,  
27 renovation or repair, or for an addition to a school facility, shall be  
28 zero for all school facilities projects for which the district fails to  
29 demonstrate over the ten years preceding issuance a net investment  
30 in maintenance of the related school facility of at least 2% of the  
31 replacement cost of the school facility, determined pursuant to  
32 subsection b. of section 7 of P.L.2000, c.72 (C.18A:7G-7) using the  
33 area cost allowance of the year ten years preceding the year in  
34 which the school bonds are issued.

35 (2) For new construction, additions, and school facilities aided  
36 under subsection b. of section 7 of P.L.2000, c.72 (C.18A:7G-7)  
37 supported by financing issued for projects approved by the  
38 commissioner after the effective date of P.L.2000, c.72 (C.18A:7G-  
39 1 et al.), beginning in the fourth year after occupancy of the school  
40 facility, the maintenance factor shall be reduced according to the  
41 following schedule for all school facilities projects for which the  
42 district fails to demonstrate in the prior fiscal year an investment in  
43 maintenance of the related school facility of at least two-tenths of  
44 1% of the replacement cost of the school facility, determined  
45 pursuant to subsection b. of section 7 of P.L.2000, c.72 (C.18A:7G-  
46 7).

S2941 CODEY, RICE

12

Maintenance Percentage	Maintenance Factor (M)
.199% - .151%	75%
.150% - .100%	50%
Less than .100%	Zero

5 (3) Within one year of the enactment of P.L.2000, c.72  
6 (C.18A:7G-1 et al.), the commissioner shall promulgate rules  
7 requiring districts to develop a long-range maintenance plan and  
8 specifying the expenditures that qualify as an appropriate  
9 investment in maintenance for the purposes of this subsection.

10 c. Any district which obtained approval from the commissioner  
11 since September 1, 1998 and prior to the effective date of P.L.2000,  
12 c.72 (C.18A:7G-1 et al.) of the educational specifications for a  
13 school facilities project or obtained approval from the Department  
14 of Community Affairs or the appropriately licensed municipal code  
15 official since September 1, 1998 of the final construction plans and  
16 specifications, and the district has issued debt, may elect to have the  
17 final eligible costs of the project determined pursuant to section 5 of  
18 P.L.2000, c.72 (C.18A:7G-5) and to receive debt service aid under  
19 this section or under section 10 of P.L.2000, c.72 (C.18A:7G-10).

20 Any district which received approval from the commissioner for  
21 a school facilities project at any time prior to the effective date of  
22 P.L.2000, c.72 (C.18A:7G-1 et al.), and has not issued debt, other  
23 than short term notes, may submit an application pursuant to section  
24 5 of P.L.2000, c.72 (C.18A:7G-5) to have the final eligible costs of  
25 the project determined pursuant to that section and to have the New  
26 Jersey Economic Development Authority construct the project; or,  
27 at its discretion, the district may choose to receive debt service aid  
28 under this section or under section 10 of P.L.2000, c.72 (C.18A:7G-  
29 10) or to receive a grant under section 15 of P.L.2000, c.72  
30 (C.18A:7G-15).

31 For the purposes of this subsection, the "issuance of debt" shall  
32 include lease purchase agreements in excess of five years.

33 d. For school bonds issued for a school facilities project after  
34 the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.) and prior to  
35 the effective date of P.L.2008, c.39 (C.18A:7G-14.1 et al.), State  
36 debt service aid shall be calculated in accordance with the  
37 provisions of this section as the same read before the effective date  
38 of P.L.2008, c.39 (C.18A:7G-14.1 et al.).  
39 (cf: P.L.2008, c.39, s.3)

40  
41 3. Section 10 of P.L.2000, c.72 (C.18A:7G-10) is amended to  
42 read as follows:

43 10. For each issuance of school bonds or certificates of  
44 participation issued for a school facilities project approved by the  
45 commissioner prior to the effective date of P.L.2000, c.72  
46 (C.18A:7G-1 et al.):

1 Aid is the sum of A

2 where

3  $A = B \times \text{EQAID}/\text{AB}$

4 and where

5 B is the district's total debt service or lease purchase payment for  
6 the individual issuance for the fiscal year;

7 EQAID is the district's equalization aid amount determined  
8 pursuant to section 11 of P.L.2007, c.260 (C.18A:7G-53); and

9 AB is the district's adequacy budget determined pursuant to  
10 section 9 of P.L.2007, c.260 (C.18A:7F-51).

11 For county special services school districts, EQAID/AB shall be  
12 that of the county vocational school district in the same county.

13 Notwithstanding the provisions of this section to the contrary, in the  
14 case of a county vocational school district which has a resident  
15 enrollment composed of at least 90% of students who reside in SDA  
16 districts, EQUAID/AB shall not be less than 90%.

17 (cf: P.L.2007, c.260, s.43)

18

19 4. This act shall take effect immediately.

20

21

22

#### STATEMENT

23

24 This bill provides that a county vocational school district which  
25 has a student body composed of at least 90% of students who reside  
26 in SDA districts (former Abbott districts) will receive not less than  
27 90% State support of the debt service costs of bonds issued to  
28 finance the approved costs of a school facilities project. Under  
29 current law a school district's State support ratio for debt service  
30 costs is equal to the percentage of the district's adequacy budget  
31 that is supported by equalization aid. In light of the fact that SDA  
32 school districts have a State support ratio of 100% for school  
33 facilities projects, it is appropriate that those county vocational  
34 school districts which educate such a significant percentage of  
35 students who reside in SDA districts will also receive an increased  
36 level of State support for their projects.

37 The provisions of this bill would impact the Essex County  
38 Vocational School District which currently has a resident  
39 enrollment composed of 95% of students who reside in SDA  
40 districts.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### **SENATE, No. 2941**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 22, 2009

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2941, with committee amendments.

This bill, with committee amendments, provides that in the case of county vocational school district school facilities projects that are approved by the Commissioner of Education following the bill's effective date, the State share for debt service aid will equal the greater of the State share as calculated under current law (equalization aid as a percentage of the district's adequacy budget but not less than 40%), or the percentage of students in the county vocational school district resident enrollment who reside in SDA districts (former Abbott districts). The bill specifies that the State share cannot be greater than 90%.

#### COMMITTEE AMENDMENTS

The committee amendments provide: 1) that the bill's provisions will impact county vocational school district school facilities projects which are approved by the Commissioner of Education following the bill's effective date; 2) stipulate that the State share for debt service aid for such projects will equal the greater of the State share as calculated under current law or the percentage of students in the county vocational school district's resident enrollment who reside in SDA districts; and 3) provide that the State share cannot be greater than 90%.

The bill in its original form would provide a State share for debt service aid of not less than 90% in the case of any county vocational school district which has a resident enrollment composed of at least 90% of students who reside in SDA districts.

#### FISCAL IMPACT:

The fiscal impact of this legislation cannot be determined as it is contingent on factors that are not known at this time. The bill stipulates that the higher DAP will only apply to school facilities projects initiated after the effective date. As such, the legislation would not alter the amount of School Construction Debt Service Aid currently awarded. The future costs of this bill will be contingent on

the approved costs and associated interest costs of future school facilities projects in the affected districts.

Table 1 compares the DAP in FY 2010 under current law to the percent of the district's resident students who live in SDA districts as of October 2008. In three districts, Essex, Hudson, and Passaic County Vocational School Districts, the current share of students residing in SDA districts is greater than the current DAP. These districts, at least in the short run, would be affected by the legislation.

**Table 1**  
**Impact of S-2941 (1R) on District Aid Percentage in County**  
**Vocational School Districts**

	Current District Aid Percentage	Current Share of Students Residing in SDA Districts	District Aid Percentage under S-2941 (1R)
Atlantic Co Voc	40.0%	12.6%	40.0%
Bergen Co Voc	40.0%	6.2%	40.0%
Burlington Co Voc	40.0%	15.5%	40.0%
Camden Co Voc	56.6%	52.6%	56.6%
Cape May Co Voc	40.0%	0.0%	40.0%
Cumberland Co Voc	70.5%	67.1%	70.5%
Essex Co Voc	48.6%	95.0%	90.0%
Gloucester Co Voc	48.7%	0.7%	48.7%
Hudson Co Voc	53.3%	67.1%	67.1%
Hunterdon Co Voc	40.0%	0.0%	40.0%
Mercer Co Voc	32.3%	9.6%	32.3%
Middlesex Co Voc	40.0%	35.6%	40.0%
Monmouth Co Voc	40.0%	9.3%	40.0%
Morris Co Voc	40.0%	0.1%	40.0%
Ocean Co Voc	40.0%	0.0%	40.0%
Passaic Co Voc	56.1%	80.7%	80.7%
Salem Co Voc	59.2%	3.7%	59.2%
Somerset Co Voc	40.0%	0.0%	40.0%
Sussex Co Voc	40.0%	0.0%	40.0%
Union Co Voc	40.0%	15.8%	40.0%
Warren Co Voc	41.2%	14.5%	41.2%

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 2941**

# **STATE OF NEW JERSEY**

DATED: JANUARY 4, 2010

The Assembly Appropriations Committee reports favorably Senate Bill No. 2941 (1R).

The bill provides that in the case of county vocational school district school facilities projects that are approved by the Commissioner of Education following the bill's effective date, the State share for debt service aid will equal the greater of the State share as calculated under current law (equalization aid as a percentage of the district's adequacy budget but not less than 40%), or the percentage of students in the county vocational school district resident enrollment who reside in SDA districts (former Abbott districts). The bill specifies that the State share cannot be greater than 90%.

This bill is identical to Assembly Bill No. 4137, as also reported by the committee.

### FISCAL IMPACT:

The fiscal impact of this legislation cannot be determined as it is contingent on factors that are not known at this time. The bill stipulates that the higher District and Percentage (DAP) will only apply to school facilities projects initiated after the effective date. As such, the legislation would not alter the amount of School Construction Debt Service Aid currently awarded. The future costs of this bill will be contingent on the approved costs and associated interest costs of future school facilities projects in the affected districts.

Table 1 compares the DAP in FY 2010 under current law to the percent of the district's resident students who live in SDA districts as of October 2008. In three districts, Essex, Hudson, and Passaic County Vocational School Districts, the current share of students residing in SDA districts is greater than the current DAP. These districts, at least in the short run, would be affected by the legislation.

**Table 1**  
**Impact of S-2941 (1R) on District Aid Percentage in County**  
**Vocational School Districts**

	Current District Aid Percentage	Current Share of Students Residing in SDA Districts	District Aid Percentage under S-2941 (1R)
Atlantic Co Voc	40.0%	12.6%	40.0%
Bergen Co Voc	40.0%	6.2%	40.0%
Burlington Co Voc	40.0%	15.5%	40.0%
Camden Co Voc	56.6%	52.6%	56.6%
Cape May Co Voc	40.0%	0.0%	40.0%
Cumberland Co Voc	70.5%	67.1%	70.5%
Essex Co Voc	48.6%	95.0%	90.0%
Gloucester Co Voc	48.7%	0.7%	48.7%
Hudson Co Voc	53.3%	67.1%	67.1%
Hunterdon Co Voc	40.0%	0.0%	40.0%
Mercer Co Voc	32.3%	9.6%	32.3%
Middlesex Co Voc	40.0%	35.6%	40.0%
Monmouth Co Voc	40.0%	9.3%	40.0%
Morris Co Voc	40.0%	0.1%	40.0%
Ocean Co Voc	40.0%	0.0%	40.0%
Passaic Co Voc	56.1%	80.7%	80.7%
Salem Co Voc	59.2%	3.7%	59.2%
Somerset Co Voc	40.0%	0.0%	40.0%
Sussex Co Voc	40.0%	0.0%	40.0%
Union Co Voc	40.0%	15.8%	40.0%
Warren Co Voc	41.2%	14.5%	41.2%



# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## SENATE, No. 2941

### STATE OF NEW JERSEY 213th LEGISLATURE

DATED: JUNE 30, 2009

#### SUMMARY

**Synopsis:** Revises State share calculation for debt service aid for new school facilities projects of county vocational school districts.

**Type of Impact:** Indeterminate. Expenditure Increase in the Property Tax Relief Fund

**Agencies Affected:** Department of Education, local school districts

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>FY 2010</u></b>	<b><u>FY 2011</u></b>	<b><u>FY 2012</u></b>
<b>State Cost</b>	Indeterminate- See comments below		
<b>Local Revenue</b>			

- The potential State cost and additional local revenue associated with Senate, No. 2941 (1R) of 2009 cannot be determined. The legislation increases State support for future school facilities projects only. As such, the legislation would have no impact on the amount of School Construction Debt Service Aid currently awarded to county vocational school districts. The increased aid that would be awarded to county vocational school districts for future school facilities projects would be contingent on the approved costs and associated interest costs of such projects in districts affected by the legislation.
- Based on the current district aid percentage (DAP) and enrollment data, three school districts (Essex, Hudson, and Passaic County Vocational School Districts) would be affected by the provisions of the bill.

#### BILL DESCRIPTION

Senate Bill No. 2941 (1R) of 2009 increases the level of State support of future school facilities projects in certain county vocational school districts. Under current law, the State provides School Construction Debt Service Aid to districts for school facilities projects initiated after the effective date of the "Educational Facilities Construction and Financing Act" (EFCFA). Districts receive an amount of aid equal to the principal and interest on approved costs due in the budget year multiplied by the DAP, which is calculated as the greater of 40 percent or the

district's equalization aid divided by its adequacy budget as determined under the provisions of the "School Funding Reform Act of 2008" (SFRA).

This bill modifies the DAP in county vocational school districts to equal the greater of the DAP as calculated under current law or the percent of the district's resident enrollment that live in an SDA (former Abbott) school district; the legislation also establishes a 90 percent maximum DAP. Based on enrollment data from the October 2008 Application for State School Aid and the FY 2010 DAP calculated pursuant to current law, three county vocational school districts would be eligible for greater support on future projects: Essex, Hudson, and Passaic County Vocational School Districts.

## **FISCAL ANALYSIS**

### ***OFFICE OF LEGISLATIVE SERVICES***

The fiscal impact of this legislation cannot be determined as it is contingent on factors that are not known at this time. The bill stipulates that the higher DAP will only apply to school facilities projects initiated after the effective date. As such, the legislation would not alter the amount of School Construction Debt Service Aid currently awarded. The future State costs of this bill will be contingent on the approved costs and associated interest costs of school facilities projects in the affected districts.

Table 1 compares the DAP in FY 2010 under current law to the percent of the district's resident students who live in SDA districts as of October 2008. In three districts, Essex, Hudson, and Passaic County Vocational School Districts, the current share of students residing in SDA districts is greater than the current DAP. Based on the current data, these districts would be affected by the legislation.

**Table 1**  
**Impact of S-2941 (1R) on District Aid Percentage in County Vocational School Districts**

	Current District Aid Percentage	Current Share of Students Residing in SDA Districts	District Aid Percentage under S-2941 (1R)
Atlantic Co Voc	40.0%	12.6%	40.0%
Bergen Co Voc	40.0%	6.2%	40.0%
Burlington Co Voc	40.0%	15.5%	40.0%
Camden Co Voc	56.6%	52.6%	56.6%
Cape May Co Voc	40.0%	0.0%	40.0%
Cumberland Co Voc	70.5%	67.1%	70.5%
Essex Co Voc	48.6%	95.0%	90.0%
Gloucester Co Voc	48.7%	0.7%	48.7%
Hudson Co Voc	53.3%	67.1%	67.1%
Hunterdon Co Voc	40.0%	0.0%	40.0%
Mercer Co Voc	32.3%	9.6%	32.3%
Middlesex Co Voc	40.0%	35.6%	40.0%
Monmouth Co Voc	40.0%	9.3%	40.0%
Morris Co Voc	40.0%	0.1%	40.0%
Ocean Co Voc	40.0%	0.0%	40.0%
Passaic Co Voc	56.1%	80.7%	80.7%
Salem Co Voc	59.2%	3.7%	59.2%
Somerset Co Voc	40.0%	0.0%	40.0%
Sussex Co Voc	40.0%	0.0%	40.0%
Union Co Voc	40.0%	15.8%	40.0%
Warren Co Voc	41.2%	14.5%	41.2%

*Section: Education*

*Analyst: Allen T. Dupree  
Senior Fiscal Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-1 et seq.).

# ASSEMBLY, No. 4137

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED JUNE 22, 2009

**Sponsored by:**

**Assemblyman ALBERT COUTINHO**

**District 29 (Essex and Union)**

**Assemblywoman L. GRACE SPENCER**

**District 29 (Essex and Union)**

**Assemblyman THOMAS P. GIBLIN**

**District 34 (Essex and Passaic)**

**SYNOPSIS**

Revises State share calculation for debt service aid for new school facilities projects of county vocational school districts.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning debt service aid for certain county vocational  
2 school districts and amending P.L.2000, c.72.

3

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

6

7 1. Section 5 of P.L.2000, c.72 (C.18A:7G-5) is amended to  
8 read as follows:

9 5. a. The development authority shall undertake and the  
10 financing authority shall finance the school facilities projects of  
11 SDA districts.

12 b. In the case of a district other than an SDA district, State  
13 support for the project shall be determined pursuant to section 9 or  
14 section 15 of P.L.2000, c.72 (C.18A:7G-9 or C.18A:7G-15), as  
15 applicable.

16 c. Notwithstanding any provision of N.J.S.18A:18A-16 to the  
17 contrary, the procedures for obtaining approval of a school facilities  
18 project shall be as set forth in this act; provided that any district  
19 whose school facilities project is not constructed by the  
20 development authority shall also be required to comply with the  
21 provisions of N.J.S.18A:18A-16.

22 d. (1) Any district seeking to initiate a school facilities project  
23 shall apply to the commissioner for approval of the project. The  
24 application may include, but not be limited to: a description of the  
25 school facilities project; a schematic drawing of the project or, at  
26 the option of the district, preliminary plans and specifications; a  
27 delineation and description of each of the functional components of  
28 the project; educational specifications detailing the programmatic  
29 needs of each proposed space; the number of unhoused students to  
30 be housed in the project; the area allowances per FTE student as  
31 calculated pursuant to section 8 of P.L.2000, c.72 (C.18A:7G-8);  
32 and the estimated cost to complete the project as determined by the  
33 district.

34 (2) In the case of an SDA district school facilities project, based  
35 upon its educational priority ranking and the Statewide strategic  
36 plan established pursuant to subsection m. of this section, the  
37 commissioner may authorize the development authority to  
38 undertake preconstruction activities which may include, but need  
39 not be limited to, site identification, investigation, and acquisition,  
40 feasibility studies, land-related design work, design work, site  
41 remediation, demolition, and acquisition of temporary facilities.  
42 Upon receipt of the authorization, the development authority may  
43 initiate the preconstruction activities required to prepare the  
44 application for commissioner approval of the school facilities  
45 project.

**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 e. The commissioner shall review each proposed school  
2 facilities project to determine whether it is consistent with the  
3 district's long-range facilities plan and whether it complies with the  
4 facilities efficiency standards and the area allowances per FTE  
5 student derived from those standards; and in the case of an SDA  
6 district the commissioner shall also review the project's educational  
7 priority ranking and the Statewide strategic plan developed pursuant  
8 to paragraphs (2) and (3) of subsection m. of this section; and in the  
9 case of a district other than an SDA district the commissioner shall  
10 also review the project's priority pursuant to paragraph (4) of  
11 subsection m. of this section. The commissioner shall make a  
12 decision on a district's application within 90 days from the date he  
13 determines that the application is fully and accurately completed  
14 and that all information necessary for a decision has been filed by  
15 the district, or from the date of the last revision made by the district.  
16 If the commissioner is not able to make a decision within 90 days,  
17 he shall notify the district in writing explaining the reason for the  
18 delay and indicating the date on which a decision on the project will  
19 be made, provided that the date shall not be later than 60 days from  
20 the expiration of the original 90 days set forth in this subsection. If  
21 the decision is not made by the subsequent date indicated by the  
22 commissioner, then the project shall be deemed approved and the  
23 preliminary eligible costs for new construction shall be calculated  
24 by using the proposed square footage of the building as the  
25 approved area for unhoused students.

26 f. If the commissioner determines that the school facilities  
27 project complies with the facilities efficiency standards and the  
28 district's long-range facilities plan and does not exceed the area  
29 allowance per FTE student derived from those standards, the  
30 commissioner shall calculate the preliminary eligible costs of the  
31 project pursuant to the formulas set forth in section 7 of P.L.2000,  
32 c.72 (C.18A:7G-7); except that (1) in the case of a county special  
33 services school district or a county vocational school district, the  
34 commissioner shall calculate the preliminary eligible costs to equal  
35 the amount determined by the board of school estimate and  
36 approved by the board of chosen freeholders pursuant to section 14  
37 of P.L.1971, c.271 (C.18A:46-42) or N.J.S.18A:54-31 as  
38 appropriate, and (2) in the case of an SDA district, the  
39 commissioner shall calculate the preliminary eligible costs to equal  
40 the estimated cost as determined by the development authority.

41 g. If the commissioner determines that the school facilities  
42 project is inconsistent with the facilities efficiency standards or  
43 exceeds the area allowances per FTE student derived from those  
44 standards, the commissioner shall notify the district.

45 (1) The commissioner shall approve area allowances in excess  
46 of the area allowances per FTE student derived from the facilities  
47 efficiency standards if the board of education or State district  
48 superintendent, as appropriate, demonstrates that school facilities

1 needs related to required programs cannot be addressed within the  
2 facilities efficiency standards and that all other proposed spaces are  
3 consistent with those standards. The commissioner shall approve  
4 area allowances in excess of the area allowances per FTE student  
5 derived from the facilities efficiency standards if the additional area  
6 allowances are necessary to accommodate centralized facilities to  
7 be shared among two or more school buildings within the district  
8 and the centralized facilities represent a more cost effective  
9 alternative.

10 (2) The commissioner may waive a facilities efficiency standard  
11 if the board of education or State district superintendent, as  
12 appropriate, demonstrates to the commissioner's satisfaction that the  
13 waiver will not adversely affect the educational adequacy of the  
14 school facility, including the ability to deliver the programs and  
15 services necessary to enable all students to achieve the core  
16 curriculum content standards.

17 (3) To house the district's central administration, a district may  
18 request an adjustment to the approved areas for unhoused students  
19 of 2.17 square feet for each FTE student in the projected total  
20 district school enrollment if the proposed administrative offices will  
21 be housed in a school facility and the district demonstrates either  
22 that the existing central administrative offices are obsolete or that it  
23 is more practical to convert those offices to instructional space. To  
24 the extent that existing administrative space will continue to be used  
25 for administrative purposes, the space shall be included in the  
26 formulas set forth in section 7 of P.L.2000, c.72 (C.18A:7G-7).

27 If the commissioner approves excess facilities efficiency  
28 standards or additional area allowances pursuant to paragraph (1),  
29 (2), or (3) of this subsection, the commissioner shall calculate the  
30 preliminary eligible costs based upon the additional area allowances  
31 or excess facilities efficiency standards pursuant to the formulas set  
32 forth in section 7 of P.L.2000, c.72 (C.18A:7G-7). In the event that  
33 the commissioner does not approve the excess facilities efficiency  
34 standards or additional area allowances, the district may either:  
35 modify its submission so that the school facilities project meets the  
36 facilities efficiency standards; or pay for the excess costs.

37 (4) The commissioner shall approve spaces in excess of, or  
38 inconsistent with, the facilities efficiency standards, hereinafter  
39 referred to as nonconforming spaces, upon a determination by the  
40 district that the spaces are necessary to comply with State or federal  
41 law concerning individuals with disabilities, including that the  
42 spaces are necessary to provide in-district programs and services for  
43 current disabled pupils who are being served in out-of-district  
44 placements or in-district programs and services for the projected  
45 disabled pupil population. A district may apply for additional State  
46 aid for nonconforming spaces that will permit pupils with  
47 disabilities to be educated to the greatest extent possible in the same  
48 buildings or classes with their nondisabled peers. The

1 nonconforming spaces may: (a) allow for the return of pupils with  
2 disabilities from private facilities; (b) permit the retention of pupils  
3 with disabilities who would otherwise be placed in private facilities;  
4 (c) provide space for regional programs in a host school building  
5 that houses both disabled and nondisabled pupils; and (d) provide  
6 space for the coordination of regional programs by a county special  
7 services school district, educational services commission, jointure  
8 commission, or other agency authorized by law to provide regional  
9 educational services in a school building that houses both disabled  
10 and nondisabled pupils. A district's State support ratio shall be  
11 adjusted to equal the lesser of the sum of its district aid percentage  
12 as defined in section 3 of P.L.2000, c.72 (C.18A:7G-3) plus 0.25, or  
13 100% for any nonconforming spaces approved by the commissioner  
14 pursuant to this paragraph.

15 h. Upon approval of a school facilities project and  
16 determination of the preliminary eligible costs:

17 (1) In the case of a district other than an SDA district, the  
18 commissioner shall notify the district whether the school facilities  
19 project is approved and, if so approved, the preliminary eligible  
20 costs and the excess costs, if any. Following the determination of  
21 preliminary eligible costs and the notification of project approval,  
22 the district may appeal to the commissioner for an increase in those  
23 costs if the detailed plans and specifications completed by a design  
24 professional for the school facilities project indicate that the cost of  
25 constructing that portion of the project which is consistent with the  
26 facilities efficiency standards and does not exceed the area  
27 allowances per FTE student exceeds the preliminary eligible costs  
28 as determined by the commissioner for the project by 10% or more.  
29 The district shall file its appeal within 30 days of the preparation of  
30 the plans and specifications. If the district chooses not to file an  
31 appeal, then the final eligible costs shall equal the preliminary  
32 eligible costs.

33 The appeal shall outline the reasons why the preliminary eligible  
34 costs calculated for the project are inadequate and estimate the  
35 amount of the adjustment which needs to be made to the  
36 preliminary eligible costs. The commissioner shall forward the  
37 appeal information to the development authority for its review and  
38 recommendation. If the additional costs are the result of factors  
39 that are within the control of the district or are the result of design  
40 factors that are not required to meet the facilities efficiency  
41 standards, the development authority shall recommend to the  
42 commissioner that the preliminary eligible costs be accepted as the  
43 final eligible costs. If the development authority determines the  
44 additional costs are not within the control of the district or are the  
45 result of design factors required to meet the facilities efficiency  
46 standards, the development authority shall recommend to the  
47 commissioner a final eligible cost based on its experience for  
48 districts with similar characteristics, provided that, notwithstanding



1 anything to the contrary, the commissioner shall not approve an  
2 adjustment to the preliminary eligible costs which exceeds 10% of  
3 the preliminary eligible costs. The commissioner shall make a  
4 determination on the appeal within 30 days of its receipt. If the  
5 commissioner does not approve an adjustment to the school  
6 facilities project's preliminary eligible costs, the commissioner shall  
7 issue his findings in writing on the reasons for the denial and on  
8 why the preliminary eligible costs as originally calculated are  
9 sufficient.

10 (2) In the case of an SDA district, the commissioner shall  
11 promptly prepare and submit to the development authority a  
12 preliminary project report which shall consist, at a minimum, of the  
13 following information: a complete description of the school  
14 facilities project; the actual location of the project; the total square  
15 footage of the project together with a breakdown of total square  
16 footage by functional component; the preliminary eligible costs of  
17 the project; the project's priority ranking determined pursuant to  
18 subsection m. of this section; any other factors to be considered by  
19 the development authority in undertaking the project; and the name  
20 and address of the person from the district to contact in regard to  
21 the project.

22 i. Upon receipt by the development authority of the  
23 preliminary project report, the development authority, upon  
24 consultation with the district, shall prepare detailed plans and  
25 specifications and schedules which contain the development  
26 authority's estimated cost and schedule to complete the school  
27 facilities project. The development authority shall transmit to the  
28 commissioner its recommendations in regard to the project which  
29 shall, at a minimum, contain the detailed plans and specifications;  
30 whether the school facilities project can be completed within the  
31 preliminary eligible costs; and any other factors which the  
32 development authority determines should be considered by the  
33 commissioner.

34 (1) In the event that the development authority determines that  
35 the school facilities project can be completed within the preliminary  
36 eligible costs: the final eligible costs shall be deemed to equal the  
37 preliminary eligible costs; the commissioner shall be deemed to  
38 have given final approval to the project; and the preliminary project  
39 report shall be deemed to be the final project report delivered to the  
40 development authority pursuant to subsection j. of this section.

41 (2) In the event that the development authority determines that  
42 the school facilities project cannot be completed within the  
43 preliminary eligible costs, prior to the submission of its  
44 recommendations to the commissioner, the development authority  
45 shall, in consultation with the district and the commissioner,  
46 determine whether changes can be made in the project which will  
47 result in a reduction in costs while at the same time meeting the  
48 facilities efficiency standards approved by the commissioner.

1 (a) If the development authority determines that changes in the  
2 school facilities project are possible so that the project can be  
3 accomplished within the scope of the preliminary eligible costs  
4 while still meeting the facilities efficiency standards, the  
5 development authority shall so advise the commissioner, whereupon  
6 the commissioner shall: calculate the final eligible costs to equal the  
7 preliminary eligible costs; give final approval to the project with the  
8 changes noted; and issue a final project report to the development  
9 authority pursuant to subsection j. of this section.

10 (b) If the development authority determines that it is not  
11 possible to make changes in the school facilities project so that it  
12 can be completed within the preliminary eligible costs either  
13 because the additional costs are the result of factors outside the  
14 control of the district or the additional costs are required to meet the  
15 facilities efficiency standards, the development authority shall  
16 recommend to the commissioner that the preliminary eligible costs  
17 be increased accordingly, whereupon the commissioner shall:  
18 calculate the final eligible costs to equal the sum of the preliminary  
19 eligible costs plus the increase recommended by the development  
20 authority; give final approval to the project; and issue a final project  
21 report to the development authority pursuant to subsection j. of this  
22 section.

23 (c) If the additional costs are the result of factors that are within  
24 the control of the district or are the result of design factors that are  
25 not required to meet the facilities efficiency standards or approved  
26 pursuant to paragraph (1) of subsection g. of this section, the  
27 development authority shall recommend to the commissioner that  
28 the preliminary eligible costs be accepted, whereupon the  
29 commissioner shall: calculate the final eligible costs to equal the  
30 preliminary eligible costs and specify the excess costs which are to  
31 be borne by the district; give final approval to the school facilities  
32 project; and issue a final project report to the development authority  
33 pursuant to subsection j. of this section; provided that the  
34 commissioner may approve final eligible costs which are in excess  
35 of the preliminary eligible costs if, in his judgment, the action is  
36 necessary to meet the educational needs of the district.

37 (d) For a school facilities project undertaken by the  
38 development authority, the development authority shall be  
39 responsible for any costs of construction, but only from the  
40 proceeds of bonds issued by the financing authority pursuant to  
41 P.L.2000, c.72 (C.18A:7G-1 et al.) and P.L.2007, c.137 (C.52:18A-  
42 235 et al.), which exceed the amount originally projected by the  
43 development authority and approved for financing by the  
44 development authority, provided that the excess is the result of an  
45 underestimate of labor or materials costs by the development  
46 authority. After receipt by the development authority of the final  
47 project report, the district shall be responsible only for the costs

1 associated with changes, if any, made at the request of the district to  
2 the scope of the school facilities project.

3 j. The development authority shall not commence the  
4 construction of a school facilities project unless the commissioner  
5 transmits to the development authority a final project report and the  
6 district complies with the approval requirements for the local share,  
7 if any, pursuant to section 11 of P.L.2000, c.72 (C.18A:7G-11).  
8 The final project report shall contain all of the information  
9 contained in the preliminary project report and, in addition, shall  
10 contain: the final eligible costs; the excess costs, if any; the total  
11 costs which equals the final eligible costs plus excess costs, if any;  
12 the State share; and the local share.

13 k. For the SDA districts, the State share shall be 100% of the  
14 final eligible costs. 【For】 Except as otherwise provided pursuant to  
15 section 9 of P.L.2000, c.72 (C.18A:7G-9), for all other districts, the  
16 State share shall be an amount equal to the district aid percentage;  
17 except that the State share shall not be less than 40% of the final  
18 eligible costs.

19 If any district which is included in district factor group A or B,  
20 other than an SDA district, is having difficulty financing the local  
21 share of a school facilities project, the district may apply to the  
22 commissioner to receive 100% State support for the project and the  
23 commissioner may request the approval of the Legislature to  
24 increase the State share of the project to 100%.

25 l. The local share for school facilities projects constructed by  
26 the authority or a redevelopment entity shall equal the final eligible  
27 costs plus any excess costs less the State share.

28 m. (1) Within 90 days of the effective date of P.L.2007, c.137  
29 (C.52:18A-235 et al.), the commissioner shall develop an  
30 educational facilities needs assessment for each SDA district. The  
31 assessment shall be updated periodically by the commissioner in  
32 accordance with the schedule the commissioner deems appropriate  
33 for the district; except that each assessment shall at a minimum be  
34 updated within five years of the development of the district's most  
35 recent prior educational facilities needs assessment. The  
36 assessment shall be transmitted to the development authority to be  
37 used to initiate the planning activities required prior to the  
38 establishment of the educational priority ranking of school facilities  
39 projects pursuant to paragraph (2) of this subsection.

40 (2) Following the approval of an SDA district's long-range  
41 facilities plan or of an amendment to that plan, but prior to  
42 authorization of preconstruction activities for a school facilities  
43 project included in the plan or amendment, the commissioner shall  
44 establish, in consultation with the SDA district, an educational  
45 priority ranking of all school facilities projects in the SDA district  
46 based upon the commissioner's determination of critical need in  
47 accordance with priority project categories developed by the  
48 commissioner. The priority project categories shall include, but not

1 be limited to, health and safety, overcrowding in the early  
2 childhood, elementary, middle, and high school grade levels, spaces  
3 necessary to provide in-district programs and services for current  
4 disabled students who are being served in out-of-district placements  
5 or in-district programs and services for the projected disabled  
6 student population, rehabilitation, and educational adequacy.

7 (3) Upon the commissioner's determination of the educational  
8 priority ranking of school facilities projects in SDA districts  
9 pursuant to paragraph (2) of this subsection, the development  
10 authority, in consultation with the commissioner, the SDA districts,  
11 and the governing bodies of the municipalities in which the SDA  
12 districts are situate, shall establish a Statewide strategic plan to be  
13 used in the sequencing of SDA district school facilities projects  
14 based upon the projects' educational priority rankings and issues  
15 which impact the development authority's ability to complete the  
16 projects including, but not limited to, the construction schedule and  
17 other appropriate factors. The development authority shall revise  
18 the Statewide strategic plan and the sequencing of SDA district  
19 school facilities projects in accordance with that plan no less than  
20 once every five years.

21 Any amendment to an SDA district's long-range facilities plan  
22 that is submitted to the commissioner in the period between the  
23 five-year updates of the long-range facilities plan shall be  
24 considered by the development authority, in consultation with the  
25 commissioner, for incorporation into the Statewide strategic plan.  
26 In making a determination on whether or not to amend the  
27 Statewide strategic plan, the development authority shall consider  
28 the cost of the amendment, the impact of the amendment upon the  
29 school development plans for other districts, and other appropriate  
30 factors.

31 (4) In the case of a district other than an SDA district, the  
32 commissioner shall establish a priority process for the financing of  
33 school facilities projects based upon the commissioner's  
34 determination of critical need in accordance with priority project  
35 categories developed by the commissioner. The priority project  
36 categories shall include, but not be limited to, health and safety,  
37 overcrowding in the elementary, middle, and high school grade  
38 levels, spaces necessary to provide in-district programs and services  
39 for current disabled students who are being served in out-of-district  
40 placements or in-district programs and services for the projected  
41 disabled student population, and full-day kindergarten facilities in  
42 the case of school districts required to provide full-day preschool  
43 pursuant to section 12 of P.L.2007, c.260 (C.18A:7F-54).

44 n. The provisions of the "Public School Contracts Law,"  
45 N.J.S.18A:18A-1 et seq., shall be applicable to any school facilities  
46 project constructed by a district but shall not be applicable to  
47 projects constructed by the development authority or a  
48 redevelopment entity pursuant to the provisions of this act.

1 o. In the case of a school facilities project of a district other  
2 than an SDA district, any proceeds of school bonds issued by the  
3 district for the purpose of funding the project which remain unspent  
4 upon completion of the project shall be used by the district to  
5 reduce the outstanding principal amount of the school bonds.

6 p. Upon completion by the development authority of a school  
7 facilities project, if the cost of construction and completion of the  
8 project is less than the total costs, the district shall be entitled to  
9 receive a portion of the local share based on a pro rata share of the  
10 difference based on the ratio of the State share to the local share.

11 q. The development authority shall determine the cause of any  
12 costs of construction which exceed the amount originally projected  
13 by the development authority and approved for financing by the  
14 financing authority.

15 r. (Deleted by amendment, P.L.2007, c.137).

16 s. (Deleted by amendment, P.L.2007, c.137).

17 (cf: P.L.2008, c.39, s.2)

18

19 2. Section 9 of P.L.2000, c.72 (C.18A:7G-9) is amended to  
20 read as follows:

21 9. a. State debt service aid for capital investment in school  
22 facilities for a district other than an SDA district which elects not to  
23 finance the project under section 15 of P.L.2000, c.72 (C.18A:7G-  
24 15), shall be distributed upon a determination of preliminary  
25 eligible costs by the commissioner, according to the following  
26 formula:

27 Aid is the sum of A for each issuance of school bonds issued for  
28 a school facilities project approved by the commissioner after the  
29 effective date of P.L.2000, c.72 (C.18A:7G-1 et al.)

30 where

31  $A = B \times AC/P \times DAP \times M$ , with  $AC/P = 1$

32 whenever  $AC/P$  would otherwise yield a number greater than one,

33 and where:

34 B is the district's debt service for the individual issuance for the  
35 fiscal year;

36 AC is the preliminary eligible costs determined pursuant to  
37 section 7 of P.L.2000, c.72 (C.18A:7G-7);

38 P is the principal of the individual issuance plus any other  
39 funding sources approved for the school facilities project;

40 DAP is the district's district aid percentage as defined pursuant to  
41 section 3 of P.L.2000, c.72 (C.18A:7G-3) and where DAP shall not  
42 be less than 40%; and

43 M is a factor representing the degree to which a district has  
44 fulfilled maintenance requirements for a school facilities project  
45 determined pursuant to subsection b. of this section.

46 For county special services school districts, DAP shall be that of  
47 the county vocational school district in the same county.

1 Notwithstanding the provisions of this subsection to the contrary,  
 2 DAP for a county vocational school district school facilities project  
 3 that is approved by the commissioner following the effective date of  
 4 P.L. c. (pending before the Legislature as this bill) shall equal  
 5 the greater of the district's district aid percentage as defined  
 6 pursuant to section 3 of P.L.2000, c.72 (C.18A:7G-3) or the  
 7 percentage of the students in the county vocational school district's  
 8 resident enrollment who reside in SDA districts; except that DAP  
 9 shall not be less than 40% or greater than 90%.

10 b. The maintenance factor (M) shall be 1.0 except when one of  
 11 the following conditions applies, in which case the maintenance  
 12 factor shall be as specified:

13 (1) Effective ten years from the date of the enactment of  
 14 P.L.2000, c.72 (C.18A:7G-1 et al.), the maintenance factor for aid  
 15 for reconstruction, remodeling, alteration, modernization,  
 16 renovation or repair, or for an addition to a school facility, shall be  
 17 zero for all school facilities projects for which the district fails to  
 18 demonstrate over the ten years preceding issuance a net investment  
 19 in maintenance of the related school facility of at least 2% of the  
 20 replacement cost of the school facility, determined pursuant to  
 21 subsection b. of section 7 of P.L.2000, c.72 (C.18A:7G-7) using the  
 22 area cost allowance of the year ten years preceding the year in  
 23 which the school bonds are issued.

24 (2) For new construction, additions, and school facilities aided  
 25 under subsection b. of section 7 of P.L.2000, c.72 (C.18A:7G-7)  
 26 supported by financing issued for projects approved by the  
 27 commissioner after the effective date of P.L.2000, c.72 (C.18A:7G-  
 28 1 et al.), beginning in the fourth year after occupancy of the school  
 29 facility, the maintenance factor shall be reduced according to the  
 30 following schedule for all school facilities projects for which the  
 31 district fails to demonstrate in the prior fiscal year an investment in  
 32 maintenance of the related school facility of at least two-tenths of  
 33 1% of the replacement cost of the school facility, determined  
 34 pursuant to subsection b. of section 7 of P.L.2000, c.72 (C.18A:7G-  
 35 7).

Maintenance Percentage	Maintenance Factor (M)
.199% - .151%	75%
.150% - .100%	50%
Less than .100%	Zero

40 (3) Within one year of the enactment of P.L.2000, c.72  
 41 (C.18A:7G-1 et al.), the commissioner shall promulgate rules  
 42 requiring districts to develop a long-range maintenance plan and  
 43 specifying the expenditures that qualify as an appropriate  
 44 investment in maintenance for the purposes of this subsection.

45 c. Any district which obtained approval from the commissioner  
 46 since September 1, 1998 and prior to the effective date of P.L.2000,  
 47 c.72 (C.18A:7G-1 et al.) of the educational specifications for a  
 48 school facilities project or obtained approval from the Department

1 of Community Affairs or the appropriately licensed municipal code  
2 official since September 1, 1998 of the final construction plans and  
3 specifications, and the district has issued debt, may elect to have the  
4 final eligible costs of the project determined pursuant to section 5 of  
5 P.L.2000, c.72 (C.18A:7G-5) and to receive debt service aid under  
6 this section or under section 10 of P.L.2000, c.72 (C.18A:7G-10).

7 Any district which received approval from the commissioner for  
8 a school facilities project at any time prior to the effective date of  
9 P.L.2000, c.72 (C.18A:7G-1 et al.), and has not issued debt, other  
10 than short term notes, may submit an application pursuant to section  
11 5 of P.L.2000, c.72 (C.18A:7G-5) to have the final eligible costs of  
12 the project determined pursuant to that section and to have the New  
13 Jersey Economic Development Authority construct the project; or,  
14 at its discretion, the district may choose to receive debt service aid  
15 under this section or under section 10 of P.L.2000, c.72 (C.18A:7G-  
16 10) or to receive a grant under section 15 of P.L.2000, c.72  
17 (C.18A:7G-15).

18 For the purposes of this subsection, the "issuance of debt" shall  
19 include lease purchase agreements in excess of five years.

20 d. For school bonds issued for a school facilities project after  
21 the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.) and prior to  
22 the effective date of P.L.2008, c.39 (C.18A:7G-14.1 et al.), State  
23 debt service aid shall be calculated in accordance with the  
24 provisions of this section as the same read before the effective date  
25 of P.L.2008, c.39 (C.18A:7G-14.1 et al.).  
26 (cf: P.L.2008, c.39, s.3)

27

28 3. This act shall take effect immediately.

29

30

31

#### STATEMENT

32

33 This bill provides that in the case of county vocational school  
34 district school facilities projects that are approved by the  
35 Commissioner of Education following the bill's effective date, the  
36 State share for debt service aid will equal the greater of the State  
37 share as calculated under current law (equalization aid as a  
38 percentage of the district's adequacy budget but not less than 40%),  
39 or the percentage of students in the county vocational school district  
40 resident enrollment who reside in SDA districts (former Abbott  
41 districts). The bill specifies that the State share cannot be greater  
42 than 90%.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 4137

# STATE OF NEW JERSEY

DATED: JANUARY 4, 2010

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4137.

The bill provides that in the case of county vocational school district school facilities projects that are approved by the Commissioner of Education following the bill's effective date, the State share for debt service aid will equal the greater of the State share as calculated under current law (equalization aid as a percentage of the district's adequacy budget but not less than 40%), or the percentage of students in the county vocational school district resident enrollment who reside in SDA districts (former Abbott districts). The bill specifies that the State share cannot be greater than 90%.

This bill is identical to Senate Bill No. 2941 (1R), as also reported by the committee.

#### FISCAL IMPACT:

The fiscal impact of this legislation cannot be determined as it is contingent on factors that are not known at this time. The bill stipulates that the higher District and Percentage (DAP) will only apply to school facilities projects initiated after the effective date. As such, the legislation would not alter the amount of School Construction Debt Service Aid currently awarded. The future costs of this bill will be contingent on the approved costs and associated interest costs of future school facilities projects in the affected districts.

Table 1 compares the DAP in FY 2010 under current law to the percent of the district's resident students who live in SDA districts as of October 2008. In three districts, Essex, Hudson, and Passaic County Vocational School Districts, the current share of students residing in SDA districts is greater than the current DAP. These districts, at least in the short run, would be affected by the legislation.



**Table 1**  
**Impact of A-4137 on District Aid Percentage in County Vocational**  
**School Districts**

	Current District Aid Percentage	Current Share of Students Residing in SDA Districts	District Aid Percentage under A-4137
Atlantic Co Voc	40.0%	12.6%	40.0%
Bergen Co Voc	40.0%	6.2%	40.0%
Burlington Co Voc	40.0%	15.5%	40.0%
Camden Co Voc	56.6%	52.6%	56.6%
Cape May Co Voc	40.0%	0.0%	40.0%
Cumberland Co Voc	70.5%	67.1%	70.5%
Essex Co Voc	48.6%	95.0%	90.0%
Gloucester Co Voc	48.7%	0.7%	48.7%
Hudson Co Voc	53.3%	67.1%	67.1%
Hunterdon Co Voc	40.0%	0.0%	40.0%
Mercer Co Voc	32.3%	9.6%	32.3%
Middlesex Co Voc	40.0%	35.6%	40.0%
Monmouth Co Voc	40.0%	9.3%	40.0%
Morris Co Voc	40.0%	0.1%	40.0%
Ocean Co Voc	40.0%	0.0%	40.0%
Passaic Co Voc	56.1%	80.7%	80.7%
Salem Co Voc	59.2%	3.7%	59.2%
Somerset Co Voc	40.0%	0.0%	40.0%
Sussex Co Voc	40.0%	0.0%	40.0%
Union Co Voc	40.0%	15.8%	40.0%
Warren Co Voc	41.2%	14.5%	41.2%