ASSEMBLY, No. 1045

STATE OF NEW JERSEY

210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:
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District 30 (Burlington, Mercer, Monmouth and Ocean)
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SYNOPSIS
Requires joint municipal planning board review of long-range facilities plans developed by regional school districts.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel.

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

1. Section 4 of P.L.2000, c.72 (C.18A:7G-4) is amended to read as follows:
   4. a. Beginning in the 1999-2000 school year and in every school year thereafter ending with a "0" or a "5", each district shall prepare and submit to the commissioner a long-range facilities plan that details the district's school facilities needs and the district's plan to address those needs for the ensuing five years. The long-range facilities plan shall incorporate the facilities efficiency standards and shall be filed with the commissioner no later than December 15, 2000 and no later than October 1 of the other filing years for approval in accordance with those standards. For those Abbott districts that have submitted long-range facilities plans to the commissioner prior to the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.), this subsection shall not be read to require an additional filing by [October 1] December 15, 2000.
   b. Notwithstanding any other law or regulation to the contrary, an application for a school facilities project pursuant to section 5 of this act shall not be approved unless the district has filed a long-range facilities plan that is consistent with the application and the plan has been approved by the commissioner; except that prior to October 1, 2000, the commissioner may approve an application if the project is necessary to protect the health or safety of occupants of the school facility, or is related to required early childhood education programs, or is related to a school facility in which the functional capacity is less than 90% of the facilities efficiency standards based on current school enrollment, or the district received bids on the school facilities project prior to the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.) and the district demonstrates that further delay will negatively affect the cost of the project.
   c. An amendment to a long-range facilities plan may be submitted at any time to the commissioner for review and approval.
   d. Each long-range facilities plan shall include a cohort survival methodology or other methodology approved by the commissioner, accompanied by a certification by a qualified demographer retained by the district that serves as the basis for identifying the capacity and program needs detailed in the long-range facilities plan.
   e. The long-range facilities plan shall include an educational

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

Matter underlined thus is new matter.
adequacy inventory of all existing school facilities in the district, the
identification of all deficiencies in the district's current inventory of
school facilities, which includes the identification of those deficiencies
that involve emergent health and safety concerns, and the district's
proposed plan for future construction and renovation. The long-range
facilities plan submissions shall conform to the guidelines, criteria and
format prescribed by the commissioner.

f. Each district shall determine the number of "unhoused
students" for the ensuing five-year period calculated pursuant to the
provisions of section 8 of this act.

g. Each district shall submit the long-range facilities plan to the
planning board of the municipality or municipalities in which the
district is situate for the planning board's review and findings. In the
case of a regional school district, the review of the long-range facilities
plan shall be conducted at a joint meeting of the planning boards
pursuant to subsection b. of section 22 of P.L.1975, c.291 (C.40:55D-
31).

h. The commissioner shall develop, for the March 2002 Report on
the Cost of Providing a Thorough and Efficient Education and for
subsequent reports, facilities efficiency standards for elementary,
middle, and high schools consistent with the core curriculum school
delivery assumptions in the report and sufficient for the achievement
of the core curriculum content standards, including the provision of
required programs in Abbott districts and early childhood education
programs in the districts in which these programs are required by the
State. The area allowances per FTE student in each class of the
district shall be derived from these facilities efficiency standards.

The facilities efficiency standards developed by the commissioner
shall not be construction design standards but rather shall represent the
instructional spaces, specialized instructional areas, and administrative
spaces that are determined by the commissioner to be educationally
adequate to support the achievement of the core curriculum content
standards including the provision of required programs in Abbott
districts and early childhood education programs in the districts in
which these programs are required by the State. A district may design,
at its discretion, the educational and other spaces to be included within
the school facilities project. The design of the project may eliminate
spaces in the facilities efficiency standards, include spaces not in the
facilities efficiency standards, or size spaces differently than in the
facilities efficiency standards upon a demonstration of the adequacy of
the school facilities project to deliver the core curriculum content
standards pursuant to paragraph (2) of subsection g. of section 5 of
this act.

Within a reasonable period of time after the effective date of
P.L.2000, c.72 (C.18A:7G-1 et al.), the commissioner shall publish the
facilities efficiency standards developed for the 2000-2001,
Within a reasonable period of time after 30 days after publication in the New Jersey Register, the commissioner shall file the facilities efficiency standards with the Office of Administrative Law and those standards shall become effective immediately upon filing with the Office of Administrative Law. During the 30-day period the commissioner shall provide an opportunity for public comment on the proposed facilities efficiency standards.

i. Within 90 days of the commissioner's receipt of a long-range facilities plan for review, the commissioner shall determine whether the plan is fully and accurately completed and whether all information necessary for a decision on the plan has been filed by the district. If the commissioner determines that the plan is complete, the commissioner shall promptly notify the district in writing and shall have 60 days from the date of that notification to determine whether to approve the plan or not. If the commissioner determines that the plan is not complete, the commissioner shall notify the district in writing. The district shall provide to the commissioner whatever information the commissioner determines is necessary to make the plan accurate and complete. The district shall submit that information to the commissioner, and the commissioner shall have 60 days from the date of receipt of accurate and complete information to determine whether to approve the plan or not.

j. Notwithstanding any provision in subsection i. of this section, if at any time the number of long-range facilities plans filed by school districts with the commissioner and pending review exceeds 20% of the number of school districts in New Jersey, the commissioner may extend by 60 days the deadline for reviewing each plan pending at that time.

k. By March 1, 2002 and every five years thereafter, the commissioner shall recommend to the Legislature criteria to be used in the designation of districts as Abbott districts. The criteria may include, but not be limited to: the number of residents per 1,000 within the municipality or municipalities in which the district is situate who receive TANF; the district's equalized valuation per resident pupil as equalized valuation is defined in section 3 of P.L.1996, c.138 (C.18A:7F-3); the district's income per resident pupil as district income is defined in section 3 of P.L.1996, c.138 (C.18A:7F-3); the population per square mile of the municipality or municipalities in which the district is situate; and the municipal overburden of the municipality or municipalities in which the district is situate as that term is defined by the New Jersey Supreme Court in Abbott v. Burke.

l. By July 1, 2001, the commissioner shall provide the Legislature with recommendations to address the circumstances of districts which are contiguous with two or more Abbott districts. The recommendations shall address the issues of the financing of school
facilities projects and the funding of the educational and other
programs required within these districts as a result of their unique
demographic situation.

m. By July 1, 2001, the commissioner shall study the Safe Schools
Design Guidelines, prepared by the Florida Center for Community
Design and Research, which address the issues of school safety and
security through the design of school facilities. Based upon the
commissioner's study, the commissioner shall issue recommendations
to districts on the appropriateness of including the Safe Schools
Design Guidelines in the design and construction of school facilities
projects.

(cf: P.L.2000, c.72, s.4)

2. Section 22 of P.L.1975, c.291 (C.40:55D-31) is amended to
read as follows:

22. a. Whenever the planning board shall have adopted any portion
of the master plan, the governing body or other public agency having
jurisdiction over the subject matter, before taking action necessitating
the expenditure of any public funds, incidental to the location,
character or extent of such project, shall refer the action involving
such specific project to the planning board for review and
recommendation in conjunction with such master plan and shall not act
thereon, without such recommendation or until 45 days have elapsed
after such reference without receiving such recommendation. This
requirement shall apply to action by a housing, parking, highway,
special district, or other authority, redevelopment agency, school
board or other similar public agency, State, county or municipal.

b. The planning board shall review and issue findings concerning
any long-range facilities plan submitted to the board pursuant to the
"Educational Facilities Construction and Financing Act,"P.L.2000,
c.72 (C.18A:7G-1 et al.), for the purpose of review of the extent to
which the long-range facilities plan is informed by, and consistent with,
the land use plan element and the housing element contained
within the municipal master plan adopted pursuant to section 19 of
P.L.1975, c.291 (C.40:55D-28) and such other elements of the
municipal master plan as the planning board deems necessary to
determine whether the prospective sites for school facilities contained
in the long-range facilities plan promote more effective and efficient
coordination of school construction with the development efforts of
the municipality. The planning board shall devote at least one full
meeting of the board to presentation and review of the long-range
facilities plan prior to adoption of a resolution setting forth the board's
findings. In the case of a regional school district, the planning board
of each constituent municipality of the district shall meet jointly for the
presentation and review of the long-range facilities plan for the
regional district and shall adopt a joint resolution setting forth the
boards' findings.
(cf: P.L.2000, c.72, s.55)

3. This act shall take effect immediately.

STATEMENT

Under the "Educational Facilities Construction and Financing Act," P.L.2000, c.72, each school district is to submit its long-range facilities plan to the planning board of the municipality or municipalities in which the district is situate for the board's review and findings. The planning board is required to devote at least one full meeting of the board to presentation and review of the plan prior to the adoption of a resolution setting forth the board's findings concerning the plan. The charge of the planning board is to determine whether the prospective sites for school facilities contained within the long-range facilities plan promote more effective and efficient coordination of school construction with the development efforts of the municipality.

This bill requires that in the case of a regional school district, the planning board of each constituent municipality of the district meet jointly for the presentation and review of the district's long-range facilities plan and adopt a joint resolution setting forth the boards' findings. The requirement for a joint meeting will ensure that regional school districts will not be unduly delayed in the submission of their long-range facilities plans to the Commissioner of Education.