

SENATE, No. 434

STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Co-Sponsored by:

Senator Gill

SYNOPSIS

Requires school districts to include environmental sustainability plan in long-range facilities plan.

CURRENT VERSION OF TEXT

As reported by the Senate Education Committee with technical review.



(Sponsorship Updated As Of: 6/16/2022)

1 AN ACT concerning environmental sustainability plans for school
2 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 4 of P.L.2000, c.72 (C.18A:7G-4) is amended to
8 read as follows:

9 4. a. By December 15, 2000 and by October 1, 2005, each
10 district shall prepare and submit to the commissioner a long-range
11 facilities plan that details the district's school facilities needs and
12 the district's plan to address those needs for the ensuing five years.
13 Following the approval of the 2005 long-range facilities plan, each
14 district shall amend its long-range facilities plan at least once every
15 five years to update enrollment projections, building capacities,
16 **[and]** health and safety conditions, and environmental
17 sustainability goals. The long-range facilities plan shall incorporate
18 the facilities efficiency standards and shall be filed with the
19 commissioner for approval in accordance with those standards. For
20 those Abbott districts that have submitted long-range facilities plans
21 to the commissioner prior to the effective date of P.L.2000, c.72
22 (C.18A:7G-1 et al.), this subsection shall not be read to require an
23 additional filing by October 1, 2000.

24 b. Notwithstanding any other law or regulation to the contrary,
25 an application for a school facilities project pursuant to section 5 of
26 P.L.2000, c.72 (C.18A:7G-5) shall not be approved unless the
27 district has filed a long-range facilities plan that is consistent with
28 the application and the plan has been approved by the
29 commissioner; except that prior to October 1, 2000, the
30 commissioner may approve an application if the project is necessary
31 to protect the health or safety of occupants of the school facility, or
32 is related to required early childhood education programs, or is
33 related to a school facility in which the functional capacity is less
34 than 90% of the facilities efficiency standards based on current
35 school enrollment, or the district received bids on the school
36 facilities project prior to the effective date of P.L.2000, c.72
37 (C.18A:7G-1 et al.) and the district demonstrates that further delay
38 will negatively affect the cost of the project.

39 c. An amendment to a long-range facilities plan may be
40 submitted at any time to the commissioner for review and
41 determination on the approval or disapproval of the amendment.

42 d. Each long-range facilities plan shall include a cohort
43 survival methodology or other methodology approved by the
44 commissioner, accompanied by a certification by a qualified
45 demographer retained by the district that serves as the basis for

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 identifying the capacity and program needs detailed in the long-
2 range facilities plan.

3 e. The long-range facilities plan shall include an educational
4 adequacy inventory of all existing school facilities in the district
5 including the adequacy of school facilities to educate within the
6 district the existing and projected number of pupils with disabilities,
7 the identification of all deficiencies in the district's current
8 inventory of school facilities, which includes the identification of
9 those deficiencies that involve emergent health and safety concerns,
10 and the district's proposed plan for future construction and
11 renovation. The long-range facilities plan submissions shall
12 conform to the guidelines, criteria and format prescribed by the
13 commissioner.

14 f. Each district shall determine the number of "unhoused
15 students" for the ensuing five-year period calculated pursuant to the
16 provisions of section 8 of P.L.2000, c.72 (C.18A:7G-8).

17 g. Each district shall submit the long-range facilities plan to the
18 planning board of the municipality or municipalities in which the
19 district is situate for the planning board's review and findings and
20 the incorporation of the plan's goals and objectives into the
21 municipal master plan adopted by the municipality pursuant to
22 section 19 of P.L.1975, c.291 (C.40:55D-28).

23 h. The commissioner shall develop, for the March 2002 Report
24 on the Cost of Providing a Thorough and Efficient Education issued
25 by the commissioner pursuant to section 4 of P.L.1996, c.138
26 (C.18A:7F-4), facilities efficiency standards for elementary, middle,
27 and high schools consistent with the core curriculum school
28 delivery assumptions in the report and sufficient for the
29 achievement of the core curriculum content standards, including the
30 provision of required programs in Abbott districts and early
31 childhood education programs in the districts in which these
32 programs are required by the State. The area allowances per FTE
33 student in each class of the district shall be derived from these
34 facilities efficiency standards. The commissioner shall revise the
35 facilities efficiency standards and the area cost allowance in
36 accordance with such schedule as the commissioner deems
37 necessary. The commissioner shall publish the revised facilities
38 efficiency standards and the area cost allowance in the New Jersey
39 Register and, within a reasonable period of time after 30 days
40 following publication, shall file the revised facilities efficiency
41 standards and the area cost allowance with the Office of
42 Administrative Law for publication in the New Jersey Register and
43 those standards shall become effective immediately upon filing.
44 During the 30-day period the commissioner shall provide an
45 opportunity for public comment on the proposed facilities
46 efficiency standards and the area cost allowance.

47 The facilities efficiency standards developed by the
48 commissioner shall not be construction design standards but rather

1 shall represent the instructional spaces, specialized instructional
2 areas, and administrative spaces that are determined by the
3 commissioner to be educationally adequate to support the
4 achievement of the core curriculum content standards including the
5 provision of required programs in Abbott districts and early
6 childhood education programs in the districts in which these
7 programs are required by the State. A district may design, at its
8 discretion, the educational and other spaces to be included within
9 the school facilities project. The design of the project may
10 eliminate spaces in the facilities efficiency standards, include
11 spaces not in the facilities efficiency standards, or size spaces
12 differently than in the facilities efficiency standards upon a
13 demonstration of the adequacy of the school facilities project to
14 deliver the core curriculum content standards pursuant to paragraph
15 (2) of subsection g. of section 5 of P.L.2000, c.72 (C.18A:7G-5).

16 Within a reasonable period of time after the effective date of
17 P.L.2000, c.72 (C.18A:7G-1 et al.), the commissioner shall publish
18 the facilities efficiency standards developed for the 2000-2001,
19 2001-2002, and 2002-2003 school years in the New Jersey Register.
20 Within a reasonable period of time after 30 days after publication in
21 the New Jersey Register, the commissioner shall file the facilities
22 efficiency standards with the Office of Administrative Law and
23 those standards shall become effective immediately upon filing with
24 the Office of Administrative Law. During the 30-day period the
25 commissioner shall provide an opportunity for public comment on
26 the proposed facilities efficiency standards.

27 i. Within 90 days of the commissioner's receipt of a long-range
28 facilities plan for review, the commissioner shall determine whether
29 the plan is fully and accurately completed and whether all
30 information necessary for a decision on the plan has been filed by
31 the district. If the commissioner determines that the plan is
32 complete, the commissioner shall promptly notify the district in
33 writing and shall have 60 days from the date of that notification to
34 determine whether to approve the plan or not. If the commissioner
35 determines that the plan is not complete, the commissioner shall
36 notify the district in writing. The district shall provide to the
37 commissioner whatever information the commissioner determines is
38 necessary to make the plan accurate and complete. The district
39 shall submit that information to the commissioner, and the
40 commissioner shall have 60 days from the date of receipt of
41 accurate and complete information to determine whether to approve
42 the plan or not.

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

1 k. (Deleted by amendment, P.L.2007, c.260).

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

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

17 n. The long-range facilities plan shall include an environmental
18 sustainability plan for the district which shall provide for the
19 efficient use of resources, consider the impact of district facilities
20 on the local and regional environment, and include details on how
21 the district will allow ecosystems to function naturally to the
22 greatest extent possible. Each district shall amend its long-range
23 facilities plan to include the environmental sustainability plan for
24 the district as soon as practicable, but not later than the last day of
25 the first full school year next following the effective date of
26 P.L. , c. (pending before the Legislature as this bill). Each
27 district shall make the environmental sustainability plan or a
28 comprehensive summary of the goals and initiatives included in the
29 plan, available to the public. The district shall prominently display
30 a link to the plan or summary on the district's Internet website.

31 (1) The environmental sustainability plan shall include:

32 (a) initiatives to improve facility energy efficiency throughout
33 the district, which may include efforts to reduce greenhouse gas
34 emissions, increase use of renewable energy, and transition to high-
35 performance sustainable buildings;

36 (b) a commitment to the acquisition of sustainable school
37 supplies, electronics and other materials, and the prioritization of
38 contracts with vendors focused on environmental sustainability; and

39 (c) optimization of district transportation to reduce carbon
40 emissions, including a plan to transition to electric vehicles for
41 district busing services.

42 (2) The district shall establish performance measures to monitor
43 the progress of each element of the environmental sustainability
44 plan. The district shall annually publish a summary of the progress
45 toward the district's sustainability goals.

46 (cf: P.L.2007, c.260, s.40)

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48 2. This act shall take effect immediately.