

Proposed Readoption with Amendments of N.J.A.C. 6A:31, Renaissance Schools

The following is the accessible version of the proposed readoption with amendments of N.J.A.C. 6A:31. The notice of proposal includes two sections – [summary of the proposed rulemaking](#) and [text of the proposed amendments](#).

Education

Commissioner of Education

Renaissance Schools

Proposed Readoption with Amendments: N.J.A.C. 6A:31

Proposed New Rule: N.J.A.C. 6A:31-4.4

Authorized By: Angelica Allen-McMillan, Ed.D., Acting Commissioner, Department of Education.

Authority: N.J.S.A. 18A:36C-1 et seq., specifically 18A:36C-13.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2021-055.

Submit written comments by August 20, 2021, to:

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The agency proposal follows:

Summary

The Department of Education (Department) proposes to readopt N.J.A.C. 6A:31, Renaissance Schools, with amendments and a new rule. The proposed amendments and new rules will promote improved renaissance school project implementation while ensuring the continued efficacy of the Urban Hope Act (UHA), N.J.S.A. 18A:36C-1 et seq. The UHA establishes a process to permit authorized nonprofit entities to partner with qualified school

districts to provide students with new or significantly reconstructed, high-quality schools.

N.J.A.C. 6A:31 was adopted as special new rules in 2012 and readopted in 2013 without amendments. Amendments and a new rule related to the renaissance school project application and implementation process were adopted in 2015. The chapter was amended in 2018 to align it with changes to the UHA. The rules proposed for readoption with amendments and a new rule were scheduled to expire on December 19, 2020. Pursuant to Executive Order No. 127 (2020) and P.L. 2021, c. 104, any chapter of the New Jersey Administrative Code that would otherwise have expired during the State of Emergency originally declared in Executive Order No. 103 (2020) was extended through January 1, 2022. Therefore, this chapter has not yet expired and is extended 180 days from the date of publication of this notice of proposed readoption to December 18, 2021, pursuant to N.J.S.A. 52:14B-5.1.c, Executive Order No. 244 (2021), and P.L. 2021, c. 104.

The rules proposed for readoption with amendments and a new rule will clarify terminology. Additional proposed amendments will affirm the Commissioner's authority to approve contracts and receive submissions from renaissance school projects.

N.J.S.A. 18A:36C-8 affords automatic enrollment status to students who reside within the attendance areas of renaissance school projects built on land owned by the New Jersey Schools Development Authority (NJSDA) or the renaissance school district. The UHA also bestows preferential enrollment status on students who reside within the attendance area of a renaissance school project that is not built on land owned by the NJSDA or the renaissance school district. The Department proposes amendments at N.J.A.C. 6A:31-4.1 and 4.2 that will codify the automatic and preferential enrollment status delineated in the UHA. The proposed new rule will establish provisions for sibling preference in the renaissance school project enrollment process. The proposed amendments are aligned to N.J.A.C. 6A:11-4.5(c), which affords a preference to siblings of charter school students.

The following summary provides an overview of the chapter and the proposed

amendments and new rule. If not specifically explained in the Summary, the amendments are proposed to update terminology and cross-references to the New Jersey Administrative Code or to improve style, clarity, or grammar.

Subchapter 1. Purpose and Definitions

N.J.A.C. 6A:31-1.1, Purpose

This section sets forth the chapter's purpose, which is to govern the creation and operation of renaissance school projects under the UHA.

N.J.A.C. 6A:31-1.2, Definitions

This section defines terms used throughout the chapter.

The Department proposes a definition for "annual recruitment period" to mean the period during which an operating renaissance school conducts outreach efforts to the community for application and enrollment of students for the subsequent school year, and the conducting of a lottery for admission, if needed. This proposed term is intended to clarify the distinction between the recruitment period that each operating renaissance school project initiates each year from the term "initial recruitment period," which occurs only during a renaissance school project's first year of operation.

The Department proposes to amend the definition of "board of trustees," which means the public agents authorized by the renaissance school district board of education through a contract approved by the Commissioner to govern a renaissance school project. The Department proposes to delete "by the renaissance school district board of education" and add "through a contract between the nonprofit entity and renaissance school district that has been approved by the Commissioner." The proposed amendment will clarify that renaissance school project boards of trustees are not directly authorized by a renaissance school district board of education, but

instead through a Commissioner-approved contract between the nonprofit entity and the renaissance school district. While N.J.A.C. 6A:31-5.1(b)6 requires the renaissance school projects to identify, in an annual report, any change(s) to its board of trustees, the change(s) does not require formal revisions to the Commissioner-approved contract, or prior approval from the renaissance school district board of education.

The Department proposes to amend the definition of “contract,” which means an agreement between the nonprofit and the school district that has been submitted to the Department and approved by the Commissioner to enable a renaissance school project pursuant to N.J.S.A. 18A:36C-6. The Department proposes to insert “renaissance” before “school district” to align with the definition of “renaissance school district” and to specify the type of school district eligible to enter into this sort of contract. The Department also proposes this amendment throughout the chapter, where necessary. The Department further proposes to delete “the Department” because the contract is submitted to the Commissioner.

The Department proposes to amend the definition of “development budget,” which means the total of all costs associated with the completion of a substantial reconstruction. The Department proposes to add “of a renaissance school facility” to the end of the sentence, to clarify that the substantial reconstruction would be of a renaissance school facility.

The Department proposes to amend the definition of “initial recruitment period,” which means the period during which there are the first outreach efforts by a renaissance school project to the community for the application, lottery (if applicable), and enrollment of students for the next school year. The Department proposes to replace “the period during which there are the first outreach efforts by a renaissance school project to the community” with “the first period of time the administration or board of trustees of a soon-to-open renaissance school conducts outreach.” The Department also proposes to replace “for the application, lottery (if applicable) and enrollment of students” with “related to the application and enrollment of students, and the holding of a lottery, if necessary.” The Department further proposes to replace “next” school

year with “first operating” school year. The proposed amendments will clarify the definition and help distinguish the initial recruitment period from the annual recruitment period.

The Department proposes to amend the definition of “newly constructed school,” which means a new school facility. The Department proposes to replace “new” with "renaissance" and to add “constructed within five years immediately prior to when the nonprofit entity takes control of the facility, with the exception of any school facility newly constructed by the New Jersey School Development Authority.” The proposed amendment will align the definition of “newly constructed school” with the definition of “renaissance school project,” as proposed for amendment.

The Department proposes to revise the term “non-resident school district” to “non-resident district board of education” to align the term with N.J.A.C. 6A:31-8.3. The Department also proposes to amend the definition to add “board of education of” before “a school district in which a non-resident student resides.”

The Department proposes to amend the definition of “preparedness assessment,” which means a Department assessment that gauges readiness for school project opening. The Department proposes to add “renaissance” before “school project opening” for clarification.

The Department proposes to amend the definition of "renaissance school facility," which means a school facility within an approved renaissance school project. The Department proposes to replace "facility" with "building or group of buildings." Referencing individual buildings and groups of buildings will eliminate the need to repeat "building or group of buildings" throughout the chapter.

The Department proposes to amend the second sentence of the definition of “renaissance school project,” which states “[a] school or group of schools shall be deemed newly constructed, if it was constructed within five years immediately prior to when the nonprofit entity takes control of the facilities.” The Department proposes to replace “school or group of schools” with “renaissance school facility.” The Department also proposes to add “with the exception of any

school facility newly constructed by the New Jersey School Development Authority” at the end of the sentence. The proposed amendment will clarify the criteria for newly constructed school facilities.

The Department proposes to amend the definition of “substantial reconstruction,” which means renovations that reflect a total development budget equal to at least 50 percent of the fair market value, as determined pursuant to N.J.A.C. 6A:31-3.3. The Department proposes to add “renaissance school facility” before “renovations” to specify the type of facility for which the term applies. The Department also proposes to add at the end of the definition: “A substantial reconstruction shall meet all applicable building codes; comply with the Uniform Construction Code enhancements, where the health and safety of the building occupants are affected; comply with all ‘Americans with Disabilities Act of 1990’ rules outlined in the New Jersey Barrier Free Subcode at N.J.A.C. 5:23-3.14(b); and comply with the Uniform Construction Code and other applicable State and Federal laws for radon, lead, asbestos, and other contaminants and be subject to the enforcement of such standards by the applicable State or Federal agency.” The proposed amendment will align the definition with the chapter’s definition of “renaissance school project,” which contains language regarding substantial reconstruction that mirrors the UHA’s definition of “renaissance school project.”

The Department proposes to amend the definition of “urban campus area,” which means the area within a 1.5-mile radius of the site of the initial school of a renaissance school project, except that a high school building that is part of the renaissance school project may be located within a two-mile radius of the site of the initial school of a renaissance school project, as defined at N.J.S.A. 18A:36C-3. The Department proposes to replace “initial school” with “initial renaissance school facility” in both instances, to specify that the referenced school facilities are designated for renaissance school project usage. The Department also proposes to delete “as defined in N.J.S.A. 18A:36C-3” since “renaissance school project” is proposed to be a defined term.

The Department proposes to add the term “waiting list” to mean the document identifying the names of grade-eligible students with applications to a renaissance school project pending acceptance for the subsequent school year, based upon the order of random selection from a lottery following a recruitment period. The proposed definition aligns to the definition of “waiting list” at N.J.A.C. 6A:11, Charter Schools.

Subchapter 2. Application Process

N.J.A.C. 6A:31-2.1, Renaissance School District's Request For Proposals

This section sets forth a renaissance school district’s responsibilities and authority related to the request for proposals (RFP) for identifying nonprofit organizations to partner in a renaissance school project, the process for evaluating the nonprofit entity’s RFP response, and the corresponding timelines.

The Department proposes to amend N.J.A.C. 6A:31-2.1(a), which, in part, requires the renaissance school district to prepare an RFP for identifying nonprofit entities interested in partnering in a renaissance school project. The Department proposes to replace “nonprofit organizations” with “nonprofit entities” to use the term defined at N.J.A.C. 6A:31-1.2.

The Department proposes to amend N.J.A.C. 6A:31-2.1(c)7, which prohibits a renaissance school district’s RFP from requiring the nonprofit entity to conform the proposed location of the renaissance school to a geographic location within the school district that is smaller than a pre-existing attendance area. The Department proposes to add “ project” after “the renaissance school” to clarify that the paragraph is about the location of a renaissance school project and not a single school or facility. The Department proposes the same amendment throughout the chapter, as necessary.

The Department proposes to amend N.J.A.C. 6A:31-2.1(d)4, which requires the renaissance school district board of education to inform the community of its intention to enter

into a contract(s) based on the RFP response(s) within 25 business days of the proposal submission deadline. The Department proposes to delete “board of education” to clarify the entity that enters into the contract.

Subchapter 3. Applications to the Commissioner; Approval of Contracts

N.J.A.C. 6A:31-3.1, Applications and Proposed Agreements to the Commissioner for Each Proposal Accepted by the Renaissance School District

This section sets forth the criteria for renaissance school project applications submitted to the Commissioner.

The Department proposes to amend the first sentence at N.J.A.C. 6A:31-3.1(a), which requires the renaissance school district and each nonprofit entity selected for a renaissance school project partnership through the school district's RFP process to submit a project application to the Department within 10 days of the public notification pursuant to N.J.A.C. 6A:31-2.1(d)4. The Department proposes to replace “Department” with “Commissioner” to align the paragraph with N.J.S.A. 18A:36C-4.a, which requires applications to be submitted to the Commissioner. The same amendment is also proposed at N.J.A.C. 6A:31-3.1(c). The Department also proposes to amend the second sentence, which requires the renaissance school district and the nonprofit entity to submit a project application for each proposed renaissance project, to insert “school” before “project.” The proposed amendment, which will align the subsection with the defined term, is proposed throughout the chapter, as necessary.

The Department proposes to amend N.J.A.C. 6A:31-3.1(e), which requires the renaissance school district and nonprofit entity to submit a preliminary agreement that shall become, upon Commissioner review, the contract required pursuant to N.J.S.A. 18A:36C-6. The Department proposes to replace “review” with “approval” because N.J.S.A. 18A:36C-6.a requires the Commissioner to approve the preliminary agreement.

N.J.A.C. 6A:31-3.2, Preparedness Assessment(s)

This section establishes the requirements regarding the preparedness assessments through which the Department monitors a renaissance school project's progress toward its opening and determines its capacity to open.

N.J.A.C. 6A:31-3.3, Substantial Reconstruction of Additional Facilities as Part of an Approved Renaissance School Project

This section sets forth the requirements for a renaissance school project's substantial reconstruction of additional facilities.

Subchapter 4. Student Recruitment and Enrollment

N.J.A.C. 6A:31-4.1, Enrollment Process for Renaissance School Facilities Located on Land Owned by the New Jersey Schools Development Authority or the Renaissance School District

This section establishes the requirements for the enrollment process for renaissance school facilities located on land owned by the NJSDA or the renaissance school district.

The Department proposes to amend N.J.A.C. 6A:31-4.1(b), which, in part, requires the renaissance school to determine enrollment by a lottery for students residing in the attendance area if there are more students in the attendance area than seats in the renaissance school. The Department proposes to add: "Students who participate in this lottery shall receive enrollment priority." The existing subsection does not reflect current practice and fails to consider a significant number of eligible students within the attendance areas who have not been granted a seat at a renaissance school project based on seat availability. The proposed amendment will align the subsection with N.J.S.A. 18A:36C-8.a(1), which requires students residing in the attendance area established by the renaissance school district for that property to be automatically enrolled in the renaissance school project unless a student's parent or guardian

determines not to enroll the student in the renaissance school project. The same language also is proposed at N.J.A.C. 6A:31-4.2(a).

The Department proposes, at N.J.A.C. 6A:31-4.1(b) and 4.2(a), to replace “handicapped person” with "person with a disability" to align the subsections with the terminology at N.J.S.A. 18A:36C-8.b(2).

The Department proposes new N.J.A.C. 6A:31-4.1(c) to state: “A renaissance school project may give enrollment priority to a sibling of a student enrolled in the renaissance school project.” The proposed new subsection will align the section with the charter school rules at N.J.A.C. 6A:11. The same language also is proposed at N.J.A.C. 6A:31-4.2(c).

The Department proposes to amend recodified N.J.A.C. 6A:31-4.1(f), which requires the first lottery to include students who register to attend a public school in the renaissance school district, but reside outside of the attendance area of the renaissance school facility. The Department proposes to replace “students who register to attend a public school in the renaissance school district but” with “resident students who” to simplify the subsection and utilize the defined term “resident student.” The proposed amendments will clarify the residency requirements for participants in the first lottery subsequent to any lottery that may occur in accordance with N.J.A.C. 6A:31-4.1(b).

The Department proposes to amend recodified N.J.A.C. 6A:31-4.1(g), which requires a second lottery that may include students who reside outside of the renaissance school district to be conducted if space remains available. The Department proposes to replace “students who reside outside of the renaissance school district” with “non-resident students” since the latter is a defined term. The amendment also is proposed at recodified N.J.A.C. 6A:31-4.2(g).

The Department proposes to amend recodified N.J.A.C. 6A:31-4.1(h), which requires the renaissance school project to coordinate and administer the enrollment lotteries unless a centralized process is in place that complies with statute and is agreed upon by the renaissance school project and the renaissance school district. The Department proposes to replace “statute”

with “N.J.S.A. 18A:36C-8” to reference the specific statute that governs enrollment in renaissance schools. The same amendment is proposed at recodified N.J.A.C. 6A:31-4.2(h).

N.J.A.C. 6A:31-4.2, Enrollment Process for Renaissance School Facilities Not Located on Land Owned by the New Jersey Schools Development Authority or the Renaissance School District

This section establishes the requirements for the enrollment process for renaissance school facilities not located on land owned by the NJSDA or the renaissance school district.

The Department proposes to amend N.J.A.C. 6A:31-4.2(a), which, in part, requires preference for enrollment in the renaissance school facility to be given to students who reside in the renaissance school’s attendance area identified in the application submitted by the renaissance school project and approved by the Commissioner. The Department proposes to replace “renaissance facility” with “renaissance school project.” Although a student may reside within the attendance area of a renaissance school facility, the student would be automatically enrolled within the renaissance school project as a whole, which allows for students to progress to advanced grade levels that may be housed within different renaissance school facilities operated by the same renaissance school project. The proposed amendment is proposed throughout the chapter, as necessary.

The Department proposes to amend recodified N.J.A.C. 6A:31-4.2(f), which requires the first lottery to include students who attend a public school in the renaissance school district, but reside outside of the attendance area of the renaissance school facility. The Department proposes to add “resident” before “students” and to delete “attend a public school in the renaissance school district but” to simplify the subsection and utilize the defined term “resident student.”

N.J.A.C. 6A:31-4.3 Initial Recruitment Period

This section sets forth the process for reporting a renaissance school project's prospective

student enrollment to the Commissioner prior to a renaissance school project's initial operating year. The section also allows a renaissance school project to conduct additional recruitment and enrollment periods if a renaissance school project anticipates enrollment vacancies.

The Department proposes to amend N.J.A.C. 6A:31-4.3(a), which currently requires, by January 15 of each year, a renaissance school project to submit to the Commissioner and the renaissance school district, the number of students by grade level, from each school district selected for enrollment during the renaissance school project's initial recruitment period for the following school year. The Department proposes to replace "January 15 of each year" with "January 15 preceding the first operating school year." The Department also proposes to replace "the number of students by grade level, from each school district selected for enrollment" with "the number of students selected for enrollment by grade level and sending school district." The Department further proposes to replace "following school year" with "first operating school year." The proposed amendments will clarify the information required for reporting student enrollment and will distinguish between the initial recruitment period and an annual recruitment period. The initial recruitment period occurs only during a period of preparation prior to a renaissance school project's first year of operation, while an annual recruitment period occurs each year for operating renaissance school projects.

The Department proposes to amend N.J.A.C. 6A:31-4.3(b), which, in part, requires renaissance school projects to notify the renaissance school district and the Department upon changes in the anticipated enrollment. The Department proposed to replace "Department" with "Commissioner" to better align the subsection with the UHA. The same amendment is proposed at N.J.A.C. 6A:31-5.3(c) and 8.1(f)1i.

N.J.A.C. 6A:31-4.4, Annual Recruitment Period

The proposed new section will set forth the process for a renaissance school project's reporting to the Commissioner of prospective student enrollment for each year following a

renaissance school project's initial operating year. The proposed new section will also allow a renaissance school project to conduct additional recruitment and enrollment periods if it anticipates enrollment vacancies. The proposed section is consistent with N.J.S.A. 18A:36C-8 and affords the Commissioner a degree of supervision over the process for ongoing recruitment and enrollment.

N.J.A.C. 6A:31-4.4, Waiting List

This section sets forth the processes and procedures for renaissance school project waiting lists.

The Department proposes to recodify existing N.J.A.C. 6A:31-4.4 as 4.5. The Department proposes to amend recodified N.J.A.C. 6A:31-4.5(b), which requires a renaissance school project during the initial recruitment period to notify parents of students not selected for enrollment that their children's names will remain on the waiting list only for the next school year. The Department proposes to add “or annual” after “initial” to ensure that this subsection addresses both the initial and annual recruitment periods. The Department also proposes to add “or guardians” after "parents" for consistency with other rules in the chapter. The same amendment is proposed at recodified N.J.A.C. 6A:31-4.6(a)1 and (b). The Department also proposes to replace “the next school year” with “the school year for which the application was submitted.” The proposed amendment will clarify the exact time period for which a prospective student's name will remain on a renaissance school project waiting list.

N.J.A.C. 6A:31-4.5, Procedures for Private School Placements

This section establishes procedures for private school placements for students enrolled in renaissance school projects.

The Department proposes to recodify existing N.J.A.C. 6A:31-4.5 as 4.6. The Department proposes amendments at recodified N.J.A.C. 6A:31-4.6(a), which requires the

renaissance school project, within 15 days of the development of an individualized education program (IEP) for a student enrolled in a renaissance school project, to provide notification to the student's district of residence of any IEP that provides for a private day or residential placement. The Department proposes to replace "[w]ithin 15 days of the development of an individualized education program (IEP) for a student enrolled in a renaissance school project" with "[w]ithin 15 days of the renaissance school project's provision of written notice to a student's parent(s) of a proposed individualized education program (IEP) or proposed amendment to a student's IEP that provides for the student's placement in a private day or residential program." The Department also proposes to replace "provide notification to the student's district of residence of any IEP that provides for a private day or residential placement" with "provide the student's resident school district with written notice of the proposed placement." The proposed amendments will align the subsection with N.J.A.C. 6A:23A-15.4, regarding private school placements for students enrolled in charter schools.

The Department proposes amendments to the first sentence at recodified N.J.A.C. 6A:31-4.6(b), which states "[a] resident school district that determines to challenge a placement may, within 30 days of receiving notification of the placement, file for a due process hearing against the renaissance school project and the student's parent(s)." The Department proposes to replace "[a] resident school district that determines to challenge a placement may, within 30 days of receiving notification of the placement, file" with "[w]ithin 30 days of receiving notice of a student's private day or residential placement a resident school district may challenge the placement by filing a request" for clarity.

Subchapter 5. Contract Renewal and Termination

N.J.A.C. 6A:31-5.1, Commissioner's Periodic Review

This section sets forth the requirements for the Commissioner's periodic review of

renaissance school projects.

The Department proposes to amend N.J.A.C. 6A:31-5.1(a), which requires the Commissioner, during the contract's initial 10-year term, to periodically review a renaissance school project to ensure there has been no breach of contract and to assess whether the renaissance school project is meeting its goals and improving student achievement. The Department proposes to add at the end of the subsection: "The school district or State district superintendent(s) of the renaissance school district shall notify the Commissioner of any breach of contract." The same language is proposed for deletion at N.J.A.C. 6A:31-5.1(c). Relocating this sentence regarding notification of breach of contract to the section pertaining to the Commissioner's periodic review is a more appropriate placement.

The Department proposes to amend N.J.A.C. 6A:31-5.1(b)1, which requires the renaissance school district to submit an annual report that includes evidence of the achievement of the renaissance school project's mission, goals, and objectives, as included in its application to the State. The Department proposes to replace "State" with "Commissioner" to align the paragraph with the proposed amendments to the definition of "contract," which states that the application is submitted to the Commissioner.

The Department proposes to amend N.J.A.C. 6A:31-5.1(b)6, which requires the annual plan to include documentation of the renaissance school project's lead person, teachers, and professional support staff that identifies any change(s) in organizational structure, board of trustees, or personnel. The Department proposes to add "and board of trustees" after "professional support staff." The proposed amendment will specify that documentation regarding the board of trustees is required as part of the annual report.

The Department proposes to amend N.J.A.C. 6A:31-5.1(b)9, which requires the annual plan to include current student enrollment numbers by grade level and enrollment projections by grade level for the upcoming school year. The Department proposes to delete "[c]urrent" before "student enrollment" and to add "most recently completed school year and the" before

“upcoming school year.” The proposed amendments will provide clarity about the time periods for the student enrollment projections that are required components of the annual report.

N.J.A.C. 6A:31-5.2, Petitions to the Commissioner

This section states that a renaissance school district or nonprofit entity may file, pursuant to N.J.A.C. 6A:3-1.4, a petition regarding any dispute(s) arising out of the contract.

N.J.A.C. 6A:31-5.3, Contract Renewal

This section sets forth the criteria for renaissance school project contract renewal.

The Department proposes to amend N.J.A.C. 6A:31-5.3(a), which states the renaissance school project shall be authorized from the date of opening, subject to periodic reviews by the Commissioner. The subsection also states that the renaissance school project shall be automatically renewed for additional five-year periods provided there is not a breach of the contract. The subsection further requires, every 10 years, for the Commissioner to conduct a comprehensive review of the renaissance school project’s performance project prior to granting renewal of contract. The Department proposes to add “for 10 years” prior to “from the date of opening” to reference the time period established at N.J.S.A. 18A:36C-10.a. The Department also proposes to delete "automatically" because N.J.A.C. 6A:31-5.3(b) states that “[r]enewal shall be presumed.” The Department also proposes to delete "performance" because the review is not restricted to the renaissance school project's academic performance.

The Department proposes to amend N.J.A.C. 6A:31-5.3(a)4, which includes student performance on assessments as a component of the Commissioner’s comprehensive review of the renaissance school project’s performance prior to granting renewal of contract. The Department proposes to add “pursuant to N.J.S.A. 18A:36C-10” at the end of the paragraph, to reference the statute that provides the explicit criteria regarding student performance.

Subchapter 6. Renaissance School Employees

N.J.A.C. 6A:31-6.1, Establishment of Residency

This section states that the Commissioner, upon receipt of a letter written from the renaissance school project or copy of an employment contract that verifies employment by a renaissance school project, will permit an individual employed by a renaissance school project to establish New Jersey residency within five years of the date of the individual's initial employment.

Subchapter 7. Governance

N.J.A.C. 6A:31-7.1, Board of Trustees

This section establishes a renaissance school project as a public school that is operated through a Commissioner-approved contract with the renaissance school district independently of a district board of education, and is governed by a board of trustees.

N.J.A.C. 6A:31-7.2, School Ethics Act

This section sets forth the responsibilities of a renaissance school project's board of trustees, administrators, and school officials related to the School Ethics Act.

N.J.A.C. 6A:31-7.3, Open Public Meetings Act

This section establishes that renaissance school project boards of trustees must comply with the Senator Byron M. Baer Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.

Subchapter 8. Finance

N.J.A.C. 6A:31-8.1, Renaissance Per Pupil Rate Calculations, Notification, and Payments

This section sets forth the manner by which renaissance school project student enrollment per pupil rate is calculated, dispersed, and shared with renaissance school districts and renaissance school projects.

The Department proposes to recodify the portion of existing N.J.A.C. 6A:31-8.1(b)1i that requires “evidence of local municipal planning board approval” to be submitted to the Commissioner as new N.J.A.C. 6A:31-8.1(b)1ii. The Department also proposes to delete “along with any changes from the initial application in terms of construction timeline” because the provision will be added at recodified N.J.A.C. 6A:31-8.1(b)1vi, which already requires a detailed construction deadline to be submitted.

The Department proposes to amend recodified N.J.A.C. 6A:31-8.1(b)1iv, which requires assurances that the renaissance school project will meet facility regulations pertaining to the health and safety of the pupils to be submitted to the Commissioner. The Department proposes to replace “project” with “facility” because the subparagraph focuses on assurances to meet facility regulations.

The Department proposes to amend N.J.A.C. 6A:31-8.1(d), which requires the renaissance school district to use the renaissance per pupil rates, as established in the renaissance school project per pupil funding notice prescribed by the Commissioner and issued by the Department, following the Governor’s annual budget address. The Department proposes to replace “Department” with “Commissioner” because N.J.S.A. 18A:7F-5.a requires the Commissioner to issue State aid notices.

N.J.A.C. 6A:31-8.2, Renaissance School Project Enrollment Reporting

This section sets forth the processes and procedures for renaissance school project enrollment reporting.

The Department proposes to amend N.J.A.C. 6A:31-8.2(b), which requires the renaissance school project to report its student enrollment to the renaissance school district

pursuant to timelines established by the Department for reporting in the Application for State School Aid. The Department proposes to replace “Department” with “Commissioner” regarding the establishment of the timeline for reporting in the Application for State School Aid.

N.J.A.C. 6A:31-8.3, Acceptance of Non-Resident Students

This section establishes the manner by which a non-resident student may enroll within a renaissance school project. The section also addresses how tuition payments for non-resident students are to be charged or paid.

As the Department has provided a 60-day comment period on this notice of proposal, the notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The rules proposed for readoption with amendments and a new rule enable renaissance school projects to provide greater educational choice to parents in a neighborhood school environment. The social impact of renaissance school projects will be increased educational options, modernized facilities, and reinvigorated communities. Additionally, the proposed amendments and new rule will clarify existing rules and eliminate potential confusion.

Economic Impact

The rules proposed for readoption with amendments and a new rule set forth the rules pertaining to the UHA, which allowed district boards of education with high concentrations of at-risk students to partner with nonprofit entities and create renaissance school projects as additional education options for students and families. The time period that the UHA prescribes for application submissions to create renaissance school projects has elapsed, and the Camden City School District is the only school district approved by the Department to partner with nonprofit entities to create renaissance school projects. This approval has resulted in three

renaissance school projects, which have likely yielded a positive economic impact within Camden City due to the required construction of new facilities, substantial reconstruction of existing facilities, and employment opportunities that the renaissance school projects provide.

The proposed amendments and new rule will provide clarity to continue the successful implementation of the UHA, as well as a closer alignment with the charter school rules at N.J.A.C. 6A:11. The proposed new rule regarding renaissance school project student enrollment and clarification of existing enrollment rules will align the chapter with the spirit of the UHA, which requires the establishment of attendance areas that determine automatic or preferential enrollment status. The proposed amendments and new rule are not expected to have an economic impact for renaissance district boards of education and renaissance school projects because most of the changes are already required by existing State law and have been regularly implemented by the renaissance school district and renaissance school projects in practice.

Federal Standards Statement

There are no Federal standards or requirements that impact the rules proposed for readoption with amendments and a new rule, therefore, a Federal standards analysis is not required.

Jobs Impact

The Department does not anticipate the rules proposed for readoption with amendments and a new rule will result in the generation or loss of jobs.

Agriculture Industry Impact

The rules proposed for readoption with amendments and a new rule will have no impact on the agriculture industry in New Jersey.

Regulatory Flexibility Analysis

The rules proposed for readoption with amendments and a new rule apply to the nonprofit entities and school districts that enter into a Commissioner-approved agreement to operate a public school under the UHA. A nonprofit entity could be considered a small business, as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The UHA limits at 12, the number of approved renaissance school projects with nonprofit entity operators. The rules proposed for readoption with amendments and a new rule pertaining to approved nonprofit entities reflect the minimal amount of paperwork and recordkeeping appropriate to strike a balance between the need to assure that educational services are provided in an appropriate manner, and the desire to minimize the burden on the nonprofit entities. The proposed amendments and new rule do not impose additional paperwork or recordkeeping requirements. There is no requirement of the nonprofit entities to procure professional services to comply with the rules proposed for readoption with amendments and a new rule. There are no capital costs and minimal or no compliance costs associated with the rules proposed for readoption with amendments and a new rule.

Housing Affordability Impact Analysis

The rules proposed for readoption with amendments and a new rule will have an insignificant impact on the affordability of housing in New Jersey. There is an extreme unlikelihood the rules proposed for readoption with amendments and a new rule would evoke a change in the average costs associated with housing because the rules proposed for readoption with amendments and a new rule govern renaissance school districts and their contracted nonprofit partners.

Smart Growth Development Impact Analysis

The rules proposed for readoption with amendments and a new rule will have an insignificant impact on smart growth. There is an extreme unlikelihood the proposed amendments and new rule would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules proposed for readoption with amendments and a new rule govern renaissance school districts and their contracted nonprofit partners.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

There is an extreme unlikelihood that the rules proposed for readoption with amendments and a new rule would have an impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State because the rules proposed for readoption with amendments and a new rule govern renaissance school districts and their contracted nonprofit partners.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at [N.J.A.C. 6A:31](#).

Full text of the proposed amendments and new rule follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

Subchapter 1. Purpose And Definitions

6A:31-1.2 Definitions

The following words and terms shall have the following meanings when used in this chapter, unless the context clearly indicates otherwise:

“Annual recruitment period” means the period during which an operating renaissance

school project conducts outreach efforts to the community for application and enrollment of students for the subsequent school year, and the conducting of a lottery, if needed.

...

“Board of trustees” means the public agents authorized [by the renaissance school district board of education] through a contract **between the nonprofit entity and renaissance school district that has been** approved by the Commissioner to govern a renaissance school project.

“Contract” means an agreement between the nonprofit entity and **renaissance** school district that has been submitted to, [the Department] and approved by, the Commissioner to enable a renaissance school project pursuant to N.J.S.A. 18A:36C-6.

“Development budget” means the total of all costs associated with the completion of a substantial reconstruction **of a renaissance school facility.**

...

“Initial recruitment period” means the **first** period [during which there are the first] **of time that the administration or board of trustees of a soon-to-open renaissance school conducts** outreach [efforts by a renaissance school project to the community for] **related to** the application[, lottery (if applicable),] and enrollment of students, **and the holding of a lottery, if necessary,** for the [next] **first operating** school year.

“Newly constructed school” means a [new] **renaissance** school facility **constructed within five years immediately prior to when the nonprofit entity takes control of the facility, with the exception of any school facility newly constructed by the New Jersey School Development Authority.**

...

“Non-resident [school] district **board of education**” means **the board of education of** a school district in which a non-resident student resides.

...

“Preparedness assessment” means a Department assessment that gauges readiness for **renaissance** school project opening.

...

“Renaissance school facility” means a school [facility] **building or group of buildings** within an approved renaissance school project.

“Renaissance school project” means a newly constructed school, or group of schools in an urban campus area, that provides an educational program for students enrolled in preschool through grade 12, or in a grade range less than preschool through grade 12 that is agreed to by the school district, and is operated and managed by a nonprofit entity in a renaissance school district. A **renaissance** school [or group of schools] **facility** shall be deemed newly constructed[,] if it was constructed within five years immediately prior to when the nonprofit entity takes control of the [facilities] **facility, with the exception of any school facility newly constructed by the New Jersey School Development Authority.** A school or group of schools may include existing facilities that have undergone substantial reconstruction within five years immediately prior to when the nonprofit entity takes control of the facilities. A substantial reconstruction shall meet all applicable building codes; comply with the Uniform Construction Code enhancements, where the health and safety of the building occupants are affected; comply with all “Americans with Disabilities Act of 1990” regulations outlined in the New Jersey Barrier Free Subcode at N.J.A.C. 5:23-[7]**3.14(b)**; and comply with the Uniform Construction Code and other applicable State and Federal laws for radon, lead, asbestos, and other contaminants, and be subject to the

enforcement of such standards by the applicable State or Federal agency. The first facility of a renaissance school project shall be a newly constructed school facility that is designed to house, upon completion, at least 20 percent of the total number of students to be enrolled in the renaissance school project. A renaissance school project may include a dormitory and related facilities as permitted pursuant to [section 5 of P.L. 2011, c. 176 (N.J.S.A. 18A:36C-5)].

...

“Substantial reconstruction” means **renaissance school facility** renovations that reflect a total development budget equal to at least 50 percent of the fair market value as determined pursuant to N.J.A.C. 6A:31-3.3. **A substantial reconstruction shall meet all applicable building codes; comply with the Uniform Construction Code enhancements, where the health and safety of the building occupants are affected; comply with all Americans with Disabilities Act of 1990 rules outlined in the New Jersey Barrier Free Subcode at N.J.A.C. 5:23-3.14(b); and comply with the Uniform Construction Code and other applicable State and Federal laws for radon, lead, asbestos, and other contaminants, and be subject to the enforcement of such standards by the applicable State or Federal agency.**

"Urban campus area" means the area within a 1.5-mile radius of the site of the initial **renaissance school facility** of a renaissance school project, except that a high school building that is part of the renaissance school project may be located within a two-mile radius of the site of the initial **renaissance school facility** of a renaissance school project [as defined in N.J.S.A. 18A:36C-3].

"Waiting list" means the document identifying the names of grade-eligible students with applications to a renaissance school project, pending acceptance for the subsequent school year, based upon the order of random selection from a lottery following a recruitment period.

...

Subchapter 2. Application Process

6A:31-2.1 Renaissance school district's request for proposals

- (a) The renaissance school district shall prepare a request for proposals (RFP) for identifying nonprofit [organizations] **entities** to partner in a renaissance school project. Additionally, the renaissance school district shall propose a scoring rubric for assessing the RFP responses. The scores determined by applying the rubric shall be used in deciding whether the renaissance school district will undertake any, or up to four, renaissance school project(s) with the applicant nonprofit entities. Both the RFP and the proposed scoring rubric shall be approved by the Commissioner before being issued. One RFP issuance may be used by a renaissance school district to initiate one or more renaissance school projects. A renaissance school district may issue more than one RFP simultaneously or at separate times.
- (b) The **renaissance** school district shall assign the following weights in the scoring rubric used to evaluate a nonprofit entity's RFP response:
1. The following factors shall comprise at least 70 percent of the **renaissance** school district's RFP scoring rubric:
 - i. (No change.)
 - ii. A nonprofit entity's record of success in engendering student growth and improving the academic performance of at-risk **students**, English language learners, and [special education] students **with a disability**; and
 - iii. (No change.)

2. Any other factor(s) not prohibited from consideration [under] **pursuant to (c)** below may comprise no more than 30 percent of the **renaissance** school district's decision-making process.
 3. The **renaissance** school district may submit, in writing, an alternative RFP scoring rubric to the Commissioner prior to issuing the RFP. The alternative RFP scoring rubric shall include the proposed scoring system and rationale. The school district may not issue the RFP until the Commissioner has approved the revised RFP scoring rubric.
- (c) The **renaissance** school district's RFPs shall not be unduly restrictive of competition, which shall mean the **renaissance** school district shall not require that a nonprofit entity:
1. – 5. (No change.)
 6. Impose experience requirements for the employment of renaissance school project administrative or instructional staff in excess of State licensure standards in accordance with N.J.A.C. [6A:9, Professional Licensure and Standards] **6A:9B, State Board of Examiners and Certification;**
 7. Conform the proposed location of the renaissance school **project** to a geographic location within the **renaissance** school district that is smaller than a pre-existing attendance area; or
 8. Submit a proposal for a specialized school that is not in accordance with the **renaissance** school district's current approved Quality Single Accountability Continuum (QSAC) [District Improvement Plan] **district improvement plan** pursuant to N.J.A.C. 6A:30-[1.2]**5.4**, unless the school district has obtained **the** prior authorization of the Commissioner.
- (d) The **renaissance** school district shall abide by the following timelines, unless otherwise authorized by the Commissioner:

1. The **renaissance** school district's RFPs shall require interested nonprofit entities to respond within 40 business days of the RFP's issuance.
2. The **renaissance** school district shall accept or reject each submitted proposal within 20 business days of the proposal submission deadline.
3. The **renaissance** school district shall forward to the Commissioner a summary of its decisions within 25 business days of the proposal submission deadline.
4. The renaissance school district [board of education] shall inform the community of its intention to enter into a contract(s) based on the RFP response(s) within 25 business days of the proposal submission deadline.

Subchapter 3. Applications to The Commissioner; Approval of Contracts

6A:31-3.1 Applications and proposed agreements to the Commissioner for each proposal accepted by the renaissance school district

- (a) Within 10 days of the public notification [under] **pursuant to** N.J.A.C. 6A:31-2.1(d)4, the renaissance school district and each nonprofit entity selected for a renaissance school project partnership through the school district's RFP process shall submit a project application to the [Department] **Commissioner** in the Commissioner-prescribed format. The renaissance school district and nonprofit entity shall submit a project application for each proposed renaissance **school** project.
- (b) The **renaissance school** project application shall include, at a minimum:
 1. (No change.)
 2. The proposed method by which State grants and Federal funds will be distributed to the renaissance school project by the renaissance school district, which shall ensure the renaissance school project(s) receives no less than the **renaissance** school district's average per pupil allotment for all eligible students if the

renaissance school project is qualified to receive State grants and/or Federal funds;

3. (No change.)

4. In the case of a **renaissance** school district under full or partial State intervention with an advisory board of education, the application shall contain evidence that the State district superintendent or superintendent, as applicable, convened at least three public meetings to discuss the merits of the renaissance school project. The evidence shall include, at a minimum, public notice(s) used to advertise the meetings, agendas, presentation materials used at the meetings, and written public comments received during the meetings. In the case of State-intervention school districts, the application shall contain a resolution from the advisory board of education reflecting the board's approval or disapproval of the renaissance school project. While a successful application does not require approval from the advisory board of education, the Commissioner shall give due consideration when considering the application to any disapproval from the advisory board;

5. – 8. (No change.)

9. The [age] **age-** or [grade range] **grade-range** of students to be enrolled in the renaissance school project;

10. – 13. (No change.)

14. A description of, and address for, the initial **renaissance** school facility in which the renaissance school project will be located, and affirmation that any other **renaissance** school facility(ies) in which the renaissance school project will be located will be in the required urban campus area. For any **renaissance** school facility other than the initial **renaissance** school facility included in the application, the nonprofit entity shall notify the Commissioner of the facility's

location at least one year prior to its opening;

15. – 18. (No change.)

- (c) Following the initial review of the application pursuant to (a) or (b) above, the [Department] **Commissioner** may request subsequent information from the renaissance school district or the nonprofit entity as addenda to the application.
- (d) Following review of the application and addenda, the Commissioner will make a decision regarding the application. The Commissioner will notify the nonprofit entity and **renaissance** school district of the decision, which may be appealed pursuant to N.J.S.A. 18A:6-9.1.
- (e) Within 60 business days of the Commissioner's approval of the renaissance school district and nonprofit entity's application, the **renaissance** school district and nonprofit entity shall submit a preliminary agreement that shall become, upon Commissioner [review] **approval**, the contract required pursuant to N.J.S.A. 18A:36C-6. Upon written request to the Commissioner, the 60-business-day deadline may be extended for reasonable cause at the Commissioner's discretion. The preliminary agreement shall contain, at a minimum:

1. – 2. (No change.)

- 3. A detailed description of the renaissance school district's process for informing parents or guardians of their right to opt out of a renaissance school **project** if they decide not to enroll the student in the renaissance school **project**. This also shall include instructions on how students can enroll in another school in the renaissance school district if their parents or guardians choose;

4. – 10. (No change.)

(f) – (g) (No change.)

- (h) The renaissance school project application submitted pursuant to (b)5 through 18 above shall be considered the organizational document for the purposes of N.J.S.A. 18A:36C-

6.b. Any change(s) to the information identified [in] **at** (b)5 through 18 above that [have] **has** been approved pursuant to (f) above shall be deemed **an** amendment[s] to the organizational document.

(i) (No change.)

6A:31-3.3 Substantial reconstruction of additional facilities as part of an approved renaissance school project

(a) Prior to the opening of each renaissance school **facility** that will undergo substantial reconstruction, the renaissance school project shall submit to the Commissioner and the renaissance school district, a plan for the **renaissance school** facility's substantial reconstruction. The substantial reconstruction plan shall include:

1. – 4. (No change.)

(b) – (d) (No change.)

Subchapter 4. Student Recruitment and Enrollment

6A:31-4.1 Enrollment process for renaissance school facilities located on land owned by the New Jersey Schools Development Authority or the renaissance school district

(a) A renaissance school facility located on land owned by the New Jersey Schools Development Authority or the renaissance school district shall automatically enroll students residing in the attendance area established by the renaissance school district for that property. The renaissance school project located on land owned by the New Jersey Schools Development Authority or the renaissance school district shall allow any student who was enrolled in the renaissance school project in the immediately preceding school year to enroll in the renaissance school **project** in the appropriate grade unless it is not offered; a student enrolled in the immediately preceding school year shall have

priority for enrollment in a grade that is at capacity over a student who would otherwise be eligible automatically for initial enrollment in the renaissance school project based on [his or her] **the student's** residence in the attendance area established for the renaissance school **project**.

(b) If there are more students in the attendance area than seats in the renaissance school **facility**, the renaissance school **project** shall determine enrollment by a lottery for students residing in the attendance area. **Students who participate in this lottery shall receive enrollment priority.** In developing and executing its selection process, the nonprofit entity shall not discriminate on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a [handicapped] person **with a disability**, proficiency in the English language, or any other basis that would be illegal if used by a school district.

(c) **A renaissance school project may give enrollment priority to a sibling of a student enrolled in the renaissance school project.**

[(c)] (d) The parent or guardian of the student may determine not to enroll the student in the renaissance school[,] **project** and, in that case, the student shall be eligible for enrollment in another school in the renaissance school district.

[(d)] (e) The renaissance school district and the renaissance school project shall agree to a process for the parents or guardians of students residing in the renaissance school project facilities' attendance areas to submit documentation for enrollment in the renaissance school [facilities] **project**. If spaces remain available after the agreed-upon deadline for submitting such documentation, students subsequently shall be selected for the remaining spaces through a lottery system.

[(e)] (f) The first lottery shall include **resident** students who [register to attend a public school in the renaissance school district but] reside outside of the attendance area of the renaissance school facility.

[(f)] (g) If space remains available, a second lottery [shall be conducted] that may include **non-resident** students [who reside outside of the renaissance school district] **shall be conducted.**

[(g)] (h) The lottery(ies) shall be coordinated and administered by the renaissance school project, unless a centralized process is in place that complies with [statute] **N.J.S.A. 18A:36C-8** and is agreed upon by the renaissance school project and the renaissance school district.

6A:31-4.2 Enrollment process for renaissance school facilities not located on land owned by the New Jersey Schools Development Authority or the renaissance school district

- (a) If a renaissance school facility is located on land that is not owned by the New Jersey Schools Development Authority or the renaissance school district, preference for enrollment in the renaissance school [facility] **project** shall be given to students who reside in the renaissance [school's] **school facility's** attendance area identified in the application submitted by the renaissance school project and approved by the Commissioner. If there are more students in this attendance area than seats in the renaissance school **project**, the renaissance school **project** shall determine enrollment by a lottery for students residing in the attendance area. **Students who participate in this lottery shall receive enrollment priority.** In developing and executing its selection process, the nonprofit entity shall not discriminate on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a [handicapped] person **with a disability**, proficiency in the English language, or any other basis that would be illegal if used by a school district.
- (b) (No change.)
- (c) **A renaissance school project may give enrollment priority to a sibling of a student enrolled in the renaissance school project.**

[(c)] (d) (No change in text.)

[(d)] (e) The renaissance school district and the renaissance school project shall agree to a process for the parents or guardians of students residing in the attendance area to submit documentation for enrollment in the renaissance school [facility] **project**. If spaces remain available in the renaissance school [facility] **project**, students subsequently shall be selected for the remaining spaces through the lottery system.

[(e)] (f) The first lottery shall include **resident** students who [attend a public school in the renaissance school district but] reside outside **of** the attendance area of the renaissance school **facility**.

[(f)] (g) If space remains available, a second lottery shall be conducted that may include **non-resident** students [who reside outside of the renaissance school district].

[(g)] (h) The lottery(ies) shall be coordinated and administered by the renaissance school project, unless a centralized process is in place that complies with [statute] **N.J.S.A. 18A:36C-8** and is agreed upon by the renaissance school project and the renaissance school district.

6A:31-4.3 Initial recruitment period

(a) No later than January 15 [of each] **preceding the first operating school** year, a renaissance school project shall submit to the Commissioner and the renaissance school district the number of students **selected for enrollment** by grade level[, from each] **and sending** school district [selected for enrollment] during its initial recruitment period for the [following] **first operating** school year.

(b) A renaissance school project may conduct subsequent recruitment and enrollment periods if vacancies remain in its enrollment after the initial recruitment period. The renaissance school project will notify the renaissance school district and the [Department] **Commissioner** upon any changes in anticipated enrollment.

6A:31-4.4 Annual recruitment period

- (a) **No later than January 15 of each year, a renaissance school project shall submit to the Commissioner and the chief school administrator of the renaissance school district, the number of students selected for enrollment by grade level and sending school district during the renaissance school project's annual recruitment period for the following school year.**
- (b) **A renaissance school project may conduct subsequent recruitment and enrollment periods if vacancies remain in its enrollment after the annual recruitment period. The renaissance school project will notify the renaissance school district and the Commissioner upon any changes in anticipated enrollment.**

6A:31-[4.4]4.5 Waiting list

- (a) A renaissance school project shall maintain separate waiting lists for admission applicable to renaissance school district students residing in the [school's] **renaissance school project's** attendance area, renaissance school district students residing outside of the renaissance [school's] **school project's** attendance area, and students who reside outside of the renaissance school district. A renaissance school project shall maintain the waiting lists through the end of the school year.
- (b) During the initial **or annual** recruitment period, a renaissance school project shall notify parents **or guardians** of students not selected for enrollment that their children's names will remain on the waiting list only for the [next] school year **for which the application was submitted.**

6A:31-[4.5]4.6 Procedures for private school placements

- (a) Within 15 days of the [development] **renaissance school project's provision** of [an] **written notice to a student's parent(s) of a proposed** individualized education program (IEP) [for a student enrolled in a renaissance school project] **or proposed amendment to**

a student’s IEP that provides for the student’s placement in a private day or residential program, the renaissance school project shall **also** provide [notification to] the student’s **resident school** district [of residence of any IEP that provides for a private day or residential] **with written notice of the proposed** placement.

1. The resident school district **may** immediately [may] request a copy of the student’s records to determine whether a less-restrictive program can appropriately meet the student’s educational needs. The renaissance school project shall forward a copy of the records without delay. In accordance with N.J.A.C. 6A:32-7.5(e)10, the renaissance school project shall provide written notification to the parent(s) **or guardians(s)** that a copy of the records has been forwarded to the resident school district.

(b) [A] **Within 30 days of receiving notice of a student’s private day or residential placement**, a resident school district [that determines to] **may** challenge the placement [may, within 30 days of receiving notification of the placement, file] **by filing a request** for a due process hearing against the renaissance school project and the student’s parent(s) **or guardian(s)**. The due process hearing shall be limited in scope to a determination by an administrative law judge as to whether there is a less-restrictive placement that can meet the student’s educational needs and, if so, whether the renaissance school project must place the student in such program.

1. (No change.)

2. For purposes of administering the request for a due process hearing, the resident school district shall be considered the “[school] district **board of education**” as utilized [in] **at** N.J.A.C. 6A:14-2.7. The request shall be processed in accordance with the rules applicable to requests for a due process hearing by a [school] district **board of education**.

3. – 4. (No change.)

Subchapter 5. Contract Renewal and Termination

6A:31-5.1 Commissioner's periodic review

- (a) During the initial 10-year term of the contract entered into [under] **pursuant to** N.J.A.C. 6A:31-3.1(i), the Commissioner shall periodically review a renaissance school project to ensure there has been no breach of contract and to assess whether the **renaissance school project** is meeting its goals and improving student achievement. **The school district or State district superintendent(s) of the renaissance school district shall notify the Commissioner of any breach of contract.**
- (b) No later than August 1 of each year of operation, the renaissance school project shall submit to the Commissioner and the renaissance school district an annual report of the preceding school year on a Commissioner-prescribed form. The report shall include, but [is] not **be** limited to, evidence of the following:
1. The achievement of the **renaissance school** project's mission, goals, and objectives as included in its application to the [State] **Commissioner**;
 2. – 3. (No change.)
 4. Parental and community involvement in the **renaissance school** project;
 5. (No change.)
 6. Documentation of the renaissance school project's lead person, teachers, [and] professional support staff, **and board of trustees** that identifies any change(s) in organizational structure, board of trustees, or personnel;
 7. Any change(s) in the **renaissance** school facility's financing;
 8. Documentation [sharing] **of** any significant structural change(s) to **renaissance school** facilities before the upcoming school year and a timeline for implementing the changes; and
 9. [Current student] **Student** enrollment numbers by grade level and enrollment

projections by grade level for the **most recently completed school year and the** upcoming school year.

- (c) The school district or State district superintendent(s) of the renaissance school district may submit to the Commissioner comments regarding the renaissance school project's annual report by October 1. [The school district or State district superintendent(s) of the renaissance school district shall notify the Commissioner of any breach of contract.]

6A:31-5.3 Contract renewal

- (a) Pursuant to N.J.S.A. 18A:36C-10, the renaissance school project shall be authorized **for 10 years** from the date of opening, subject to periodic reviews by the Commissioner. The renaissance school project shall be [automatically] renewed for additional five-year periods provided there is not a breach of the contract. Every 10 years, the Commissioner shall conduct a comprehensive review of the renaissance school [project's performance] **project** prior to granting renewal of contract, including, but not limited to, a review of:
 1. [A] **The** renewal application submitted by a renaissance school project to the Commissioner and the renaissance school district superintendent on a date prescribed by the Commissioner with no less than 30 days' notice;
 2. – 3. (No change.)
 4. Student performance on assessments, **pursuant to N.J.S.A. 18A:36C-10.**
- (b) (No change.)
- (c) If, at any time during the contract period, the Commissioner finds the renaissance school project is not operating in compliance with its contract and/or applicable statutes or rules, the Commissioner may require the renaissance school project to submit a remedial plan to the renaissance school district and the [Department] **Commissioner.**
- (d) (No change.)

Subchapter 6. Renaissance School **Project** Employees

6A:31-6.1 Establishment of residency

Pursuant to N.J.S.A. 18A:36C-18, the Commissioner, upon receipt of a letter [written by] **from** the **renaissance** school **project** or copy of an employment contract that verifies employment by a renaissance [district] school **project**, will permit an individual **so** employed [by a renaissance school project] to establish New Jersey residency within five years of the date of [his or her] **the individual's** initial employment.

Subchapter 7. Governance

6A:31-7.1 Board of trustees

A renaissance school project shall be a public school **that is** operated through a contract with the renaissance school district, [approved by the Commissioner, which is] operated independently of a district board of education, and [is] governed by a board of trustees in accordance with the contract, the provisions of the Urban Hope Act (N.J.S.A. 18A:36C-1 et seq.), this chapter, and the laws and rules governing charter schools that are not inconsistent with the Urban Hope Act.

6A:31-7.2 School Ethics Act

- (a) (No change.)
- (b) Each administrator of a renaissance school project shall comply with N.J.A.C. 6A:11-[1.2]**3.1**, the School Ethics Act, and N.J.A.C. 6A:28.
- (c) (No change.)
- (d) Each member of the board of trustees of a renaissance school project shall comply with the [board member's responsibilities under the School Ethics Act in accordance with] **provisions of** N.J.A.C. 6A:28-4.1.

6A:31-7.3 Open Public Meetings Act

(a) – (b) (No change.)

(c) The board of trustees shall include a report on changes in student enrollment in the [monthly] **meeting** minutes.

Subchapter 8. Finance

6A:31-8.1 Renaissance per pupil rate calculations, notification, and payments

(a) (No change.)

(b) To qualify for funding pursuant to N.J.S.A. 18A:36C-7.e for students who will attend a newly constructed facility, the renaissance school project shall request, in writing, approval from the Commissioner.

1. [To receive this approval, the renaissance school project] **The request** shall [submit] **include** the following [to the Commissioner]:

i. [A] **The** name, description [of], and address [for] **of the renaissance school** facility in which the renaissance school **project** will be located and assurances the **renaissance school** facility will be located in the approved urban campus area; [and evidence]

ii. **Evidence** of local municipal planning board approval[, along with any changes from the initial application in terms of construction timeline];

[ii.] **iii.** (No change in text.)

[iii.] **iv.** Assurances the renaissance school [project] **facility** will meet facility regulations pertaining to the health and safety of the pupils;

[iv.] **v.** The estimated costs and anticipated source of funding for the **renaissance school** facility;

[v.] **vi.** A detailed construction timeline, **along with any change(s) from the**

initial application in terms of the construction timeline; and

[vi.] **vii.** (No change in text.)

- (c) [To] **A renaissance school project shall comply with N.J.A.C. 6A:31-3.3(c)1** to qualify for funding pursuant to N.J.S.A. 18A:36C-7.e for students attending a **renaissance school** facility undergoing substantial reconstruction[, see N.J.A.C. 6A:31-3.3(c)1].
- (d) The renaissance school district shall use the renaissance per pupil rates as established in the renaissance school **project** per pupil funding notice prescribed by the Commissioner, or [his or her] **the Commissioner's** designee, which shall be issued by the [Department] **Commissioner** following the Governor's annual budget address.
- (e) (No change.)
- (f) A renaissance school district shall process payment(s) and payment adjustments to the renaissance school project during the school year as follows:
 - 1. The renaissance school district shall initiate payments to the renaissance school project based on projected enrollment as follows:
 - i. For the first year, the projected enrollment shall be the enrollment indicated in the application submitted to the [Department] **Commissioner** by the renaissance school district; and
 - ii. (No change.)
 - 2. (No change.)

6A:31-8.2 Renaissance school project enrollment reporting

- (a) (No change.)
- (b) During the school year, the renaissance school project shall report its enrollment to the renaissance school district pursuant to timelines established by the [Department] **Commissioner** for reporting in the Application for State School Aid.

6A:31-8.3 Acceptance of non-resident students

(a) – (b) (No change.)

(c) Upon receiving tuition from a non-resident [school] district **board of education** or a parent or guardian pursuant to (a) or (b) above, the renaissance school district shall pay to the renaissance school project the lesser of the applicable renaissance school rate(s), pursuant to N.J.A.C. 6A:31-8.1(a), or the amount of tuition received.