

# 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)**

**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.



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.