

N.J.A.C. 6A:31, RENAISSANCE SCHOOLS

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CHAPTER 31. RENAISSANCE SCHOOLS

SUBCHAPTER 1. PURPOSE AND DEFINITIONS

6A:31-1.1 Purpose

The rules in this chapter are promulgated pursuant to N.J.S.A. 18A:36C-13 and govern the creation and operation of renaissance school projects under the Urban Hope Act, N.J.S.A. 18A:36C-1 et seq.

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:

“Attendance area” means the geographic area delineated for each renaissance school facility property by the renaissance school district or as identified in the application approved by the Commissioner in the case of land not owned by the New Jersey Schools Development Authority or the renaissance school district.

“Board of trustees” 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.

“Contract” means an agreement between the nonprofit entity and 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.

“District board of education” means the board of education of a school district established and operating under the provisions of Title 18A of the New Jersey Statutes, and having authority to make purchases and to enter into contracts for the provision or performance of goods or services.

“District contingency plan” means an agreement between the renaissance school district and the nonprofit entity(ies) determining how students enrolled in the renaissance school project will be educated if the renaissance school project is unable to open as determined during the preparedness assessments.

“Initial recruitment period” 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.

“Newly constructed school” means a new school facility.

“Nonprofit entity” means a nonprofit educational organization that is either applying to establish or is currently operating a renaissance school project in a renaissance school district.

“Non-resident school district” means a school district in which a non-resident student resides.

“Non-resident student” means a student who resides outside of the renaissance school district.

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

“Record of success” means an entity’s demonstrated track record of success in operating a school in a high-risk, low-income urban school district.

“Renaissance per pupil rates” means the per pupil amounts the renaissance school district must pay to the nonprofit entity operating the renaissance school project as required by N.J.S.A. 18A:36C-7.e and 7.1.

“Renaissance school district” means as defined in N.J.S.A. 18A:36C-3.

“Renaissance school facility” means a school facility 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 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. 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; 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).

“Renewal of contract” means the determination by the Commissioner at the end of a contract term to authorize the continuation of the renaissance school project contract for an additional five-year period.

“Resident student” means a student who resides within the renaissance school district.

“Substantial reconstruction” 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.

"Urban campus area" 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 in N.J.S.A. 18A:36C-3.

“Years of experience” means the length of relevant experience in operating a school in a high-risk, low-income urban school district as demonstrated by the nonprofit entity or its founding members.

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 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 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 school district's RFP scoring rubric:
 - i. A nonprofit entity's years of experience in school improvement;
 - ii. A nonprofit entity's record of success in engendering student growth and improving the academic performance of at-risk, English language learner, and special education students; and

- iii. Evidence of a nonprofit entity's financial stability.
 2. Any other factor(s) not prohibited from consideration under (c) below may comprise no more than 30 percent of the school district's decision-making process.
 3. The 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 school district's RFPs shall not be unduly restrictive of competition, which shall mean the school district shall not require that a nonprofit entity:
1. Exceed State academic performance standards;
 2. Comply with minimum State facilities efficiency standards in accordance with N.J.A.C. 6A:26, Educational Facilities;
 3. Possess more than three years of experience providing educational services;
 4. Employ senior internal management or administrative staff with more than three years of relevant experience;
 5. Employ non-senior internal management or administrative staff with more than three years of relevant experience;
 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;
 7. 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; or
 8. Submit a proposal for a specialized school that is not in accordance with the school district's current approved Quality Single Accountability Continuum

(QSAC) District Improvement Plan pursuant to N.J.A.C. 6A:30-1.2, unless the school district has obtained prior authorization of the Commissioner

(d) The school district shall abide by the following timelines, unless otherwise authorized by the Commissioner:

1. The school district's RFPs shall require interested nonprofit entities to respond within 40 business days of the RFP's issuance.
2. The school district shall accept or reject each submitted proposal within 20 business days of the proposal submission deadline.
3. The 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 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 in the Commissioner-prescribed format. The renaissance school district and nonprofit entity shall submit a project application for each proposed renaissance project.

- (b) The project application shall include, at a minimum:
1. Documentation of the renaissance school district's amendment to its long-range facilities plan, pursuant to N.J.S.A. 18A:7G-4, reflecting plans for the proposed renaissance school project;
 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 school district's average per pupil allotment for all eligible students if the school is qualified to receive State grants and/or Federal funds;
 3. A description of the process employed by the renaissance school district to find and partner with the chosen nonprofit entity to create a renaissance school project. The description shall be sufficient to show the process employed by the renaissance school district was open, fair, and subject to public input and comment. The description shall include, at a minimum:
 - i. The RFP(s) issued by the renaissance school district;
 - ii. The number of responses received; and
 - iii. The process and criteria employed by the renaissance school district to select the chosen nonprofit entity among the respondents;
 4. In the case of a 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. The name of the renaissance school project; the renaissance school project's educational goals; the curriculum to be offered, including a description of how the curriculum aligns to the New Jersey Student Learning Standards; and the methods of assessing whether students are meeting the proffered educational goals;
6. Assurances the renaissance school project will participate in all required Statewide assessments;
7. Any testing and academic performance standard(s) to be mandated by the renaissance school project beyond those required by State law and regulation;
8. The admission policy and criteria for evaluating the admission of students to the renaissance school project, which shall comply with N.J.S.A. 18A:36C-8;
9. The age or grade range of students to be enrolled in the renaissance school project;
10. The total number of students to be enrolled in each grade level of the renaissance school project;
11. The renaissance school project calendar and school-day schedule;
12. The financial plan for the renaissance school project and provisions that will be made for auditing, pursuant to N.J.S.A. 18A:23-1;
13. A budget covering projected revenue sources and planned expenditures for the first year of operation. The budget shall include all anticipated start-up costs and revenues from the renaissance school project's approval date through the beginning of the fiscal year. The budget shall clearly identify funds intended to be raised through future fundraising efforts; the expected return on such efforts

shall be supported with documentation of the nonprofit entities' past fundraising efforts. The estimated cost and anticipated source of funding for facilities shall also be included in the budget summary;

14. A description of, and address for, the initial school facility in which the renaissance school project will be located, and affirmation that any other school facility(ies) in which the renaissance school project will be located will be in the required urban campus area. For any school facility other than the initial 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. Assurances the proposed renaissance school project will meet school facility rules pertaining to student health and safety, pursuant to N.J.S.A. 18A:36C-4.b(11);
 16. Documentation of a funding plan to acquire necessary lands and to construct a renaissance school project thereon, including the terms of any financing secured for such purpose;
 17. Identification of the attendance area of each renaissance school facility in the renaissance school project and an indication of which facility(ies) in the renaissance school project will not be located on land owned by the New Jersey Schools Development Authority or the renaissance school district; and
 18. Other information as required from a specific applicant by the Commissioner.
- (c) Following the initial review of the application pursuant to (a) or (b) above, the Department 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 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 school district and nonprofit entity shall submit a preliminary agreement that shall become, upon Commissioner review, 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. A clause prohibiting a renaissance school district from terminating the contract without the Commissioner's prior approval;
 2. A detailed description of the lottery process for student enrollment consistent with N.J.A.C. 6A:31-4;
 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 if they decide not to enroll the student in the renaissance school. 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. A district contingency plan stipulating specifically the date that will trigger the contingency plan;
 5. A clause stating "unless otherwise provided in N.J.S.A. 18A:36C-1 et seq., a renaissance school project shall be governed by all laws and rules applicable to charter schools";
 6. A statement of incorporation of all terms of the approved application;
 7. A clause requiring any amendment to the contract, including any contingency plan(s), be approved by the Commissioner;
 8. Provisions addressing the sharing of student data between the renaissance school project and the renaissance school district;
 9. A clause outlining payment arrangements for student out-of-district placements

between the renaissance school project and the renaissance school district; and

10. Any additional clause(s) deemed necessary by the Commissioner for a specific preliminary agreement.
- (f) In years subsequent to the application's initial approval, the renaissance school district and nonprofit entity may seek approval for an amendment of the approved application. A renaissance school district and nonprofit entity shall submit to the Commissioner updates to (b)5 through 18 above and any proposed revision to the contract detailing the modifications from the original contract.
 - (g) The Commissioner will make a decision approving or denying the application and/or proposed amendments following the review. 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.
 - (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 (b)5 through 18 above that have been approved pursuant to (f) above shall be deemed amendments to the organizational document.
 - (i) Following the Commissioner's approval of the agreement, the renaissance school district and nonprofit entity shall enter into a contract for a term of 10 years.

6A:31-3.2 Preparedness assessment(s)

- (a) Prior to the renaissance school project opening to serve students in its first year, the Department will conduct no fewer than two preparedness assessments on dates to be scheduled by the Department with the nonprofit entity.
 1. Fifteen business days prior to any preparedness assessment, the nonprofit entity

shall provide the Department documentation showing the status of the renaissance school project's construction schedule and progress in complying with all applicable sections of N.J.A.C. 6A:26.

2. After the initial preparedness assessment, the Department may require the nonprofit entity to submit a monthly action plan detailing the renaissance school project's progress and/or direct the nonprofit entity to contract with a third-party assessor to provide an estimate on a date of completion of the school construction project.
3. At any time after the initial preparedness assessment, the Department may direct the renaissance school district to implement the district contingency plan if the Department determines the renaissance school project is unable to open by the beginning of the school year.

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 that will undergo substantial reconstruction, the renaissance school project shall submit to the Commissioner and the renaissance school district, a plan for the facility's substantial reconstruction. The substantial reconstruction plan shall include:
 1. A description of the reconstruction that is to take place;
 2. An estimated timeline for the completion of the substantial reconstruction, which shall include estimated dates for the filing and receipt of demolition and/or construction permits, the completion of the substantial reconstruction, and any other significant construction milestones;

3. An estimate of the development budget that includes the cost of the substantial reconstruction as a percentage of the appraised fair market value of the property to show that it satisfies the definition of substantial reconstruction; and
 4. A copy of the appraisal report that includes the property's fair market value as determined pursuant to (b) below.
- (b) To determine the fair market value of the property for purposes of satisfying the definition of substantial reconstruction, the renaissance school project shall select an independent Member Appraisers Institute (MAI) appraiser to conduct an appraisal of the fair market value of the property, factoring in building conditions (for example, environmental conditions and required remediation, recent building improvements, the annual cost of facilities maintenance for the preceding 12 months, and use restrictions of the building as a public school facility) into such appraisal.
1. Within 45 business days of receiving the substantial reconstruction plan, the school district superintendent or State district superintendent of the renaissance school district shall notify the Commissioner and the renaissance school project if the renaissance school district does not accept the renaissance school project's fair market value appraisal and shall submit an appraisal of its own to the Commissioner and the renaissance school project. This appraisal shall be conducted by an independent MAI appraiser and shall factor in building conditions (for example, environmental conditions and required remediation, recent building improvements, the annual cost of facilities maintenance for the preceding 12 months, and use restrictions of the building as a public school facility). Failure of the school district superintendent or State district superintendent of the renaissance school district to notify the Commissioner and the renaissance school project if the renaissance school district does not accept the renaissance school project's fair market value appraisal and submit an appraisal

within 45 business days of receiving the substantial reconstruction plan, shall constitute acceptance of the renaissance school project's fair market value appraisal.

2. If the two appraised values of the property differ, such that the renaissance school project's development budget no longer satisfies the definition of substantial reconstruction, the parties together shall select and share the cost of a review appraiser who shall be an independent MAI appraiser.
 - i. The renaissance school project and the renaissance school district shall jointly arrange for the review appraiser to conduct a comprehensive review of the renaissance school project's and the renaissance school district's appraisals, including building conditions (for example, environmental conditions and required remediation, recent building improvements, the annual cost of facilities maintenance for the preceding 12 months, and use restrictions of the building as a public school facility), and to determine the fair market value of the property for purposes of satisfying the definition of substantial reconstruction.
 - ii. The renaissance school project and the renaissance school district shall jointly arrange for the review appraiser to issue a review appraisal within 30 business days from the date of selection as the review appraiser and to submit a copy of the review appraisal to the renaissance school project, the school district superintendent or State district superintendent of the renaissance school district, and the Commissioner.
3. If the review appraisal of the property does not alter the renaissance school project's compliance with the definition of substantial reconstruction, the review appraisal shall be deemed the property's final fair market value.

4. Upon the calculation of the property's final fair market value, the renaissance school project shall resubmit its substantial reconstruction plan to the Commissioner and the renaissance school district pursuant to (a) above.
- (c) The Commissioner shall notify the renaissance school project as to whether it satisfies the requirements for the substantial reconstruction plan. If the plan meets the section's requirements, the renaissance school project may commence construction pursuant to the plan.
1. To qualify for funding pursuant to N.J.S.A. 18A:36C-7.e for students attending a facility undergoing substantial reconstruction, the renaissance school project shall submit to the Commissioner a copy of the demolition or construction permit(s) for the facility's substantial reconstruction as evidence of beginning construction pursuant to N.J.S.A. 18A:36C-7.1.
 2. If the renaissance school project makes a material modification to the scope of the substantial reconstruction at any time prior to the substantial reconstruction's completion, the renaissance school project shall submit to the Commissioner a revised substantial reconstruction plan that complies with (a) and (b) above.
 3. The renaissance school project shall submit quarterly reports to the Commissioner with an update on the status and cost of the reconstruction.
- (d) The renaissance school project shall notify the Commissioner upon completion of the substantial reconstruction, at which time the Commissioner shall ensure the renaissance school project satisfied the definition of substantial reconstruction.

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 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 residence in the attendance area established for the renaissance school.
- (b) If there are more students in the attendance area than seats in the renaissance school, the renaissance school shall determine enrollment by a lottery for students residing in the attendance area. 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, proficiency in the English language, or any other basis that would be illegal if used by a school district.
- (c) The parent or guardian of the student may determine not to enroll the student in the renaissance school, and in that case the student shall be eligible for enrollment in another school in the renaissance school district.
- (d) 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. 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) The first lottery shall 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.
- (f) If space remains available, a second lottery shall be conducted that may include students who reside outside of the renaissance school district.
- (g) The lottery(ies) shall be coordinated and administered by the renaissance school project, 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.

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 shall 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. If there are more students in this attendance area than seats in the renaissance school, the renaissance school shall determine enrollment by a lottery for students residing in the attendance area. 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, proficiency in the English language, or any other basis that would be illegal if used by a school district.

- (b) A renaissance school project that is located on land not 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 the appropriate grade is not offered.
- (c) In no case may an attendance area include an area outside of the renaissance school district.
- (d) 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. If spaces remain available in the renaissance school facility, students subsequently shall be selected for the remaining spaces through the lottery system.
- (e) The first lottery shall include students who attend a public school in the renaissance school district but reside outside the attendance area of the renaissance school.
- (f) If space remains available, a second lottery shall be conducted that may include students who reside outside of the renaissance school district.
- (g) The lottery(ies) shall be coordinated and administered by the renaissance school project, 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.

6A:31-4.3 Initial recruitment period

- (a) No later than January 15 of each year, a renaissance school project shall submit to the Commissioner and the renaissance school district the number of students by grade level, from each school district selected for enrollment during its initial 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 initial recruitment period. The renaissance school project will notify the renaissance school district and the Department upon any changes in anticipated enrollment.

6A:31-4.4 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 attendance area, renaissance school district students residing outside of the renaissance school'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 recruitment period, a renaissance school project shall 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.

6A:31-4.5 Procedures for private school placements

- (a) Within 15 days of the development of an individualized education program (IEP) for a student enrolled in a renaissance school project, the renaissance school project shall provide notification to the student's district of residence of any IEP that provides for a private day or residential placement.
 - 1. The resident school district 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) that a copy of the records has been forwarded to the resident school district.

- (b) A resident school district that determines to challenge the 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 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. The request for a due process hearing shall be processed in accordance with N.J.A.C. 6A:14-2.7 and, if the parties agree, mediation will be offered prior to transmittal of the matter to the Office of Administrative Law for a due process hearing.
 2. For purposes of administering the request for a due process hearing, the resident school district shall be considered the "school district" as utilized in 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.
 3. All procedural issues that arise with respect to filings by a resident school district for a due process hearing in accordance with N.J.A.C. 6A:14-2.7 shall be addressed by the administrative law judge assigned to hear the matter.
 4. If the due process petition is resolved with a determination the student must be placed in the less-restrictive program sought by the resident school district, the student shall still be considered a student enrolled in the renaissance school project who has been placed in the less-restrictive program by the renaissance school project. The renaissance school project shall provide all child study team services for the student, including IEP development and monitoring of its

implementation, and shall allow the student to return if the IEP team deems it appropriate.

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 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 school is meeting its goals and improving student achievement.
- (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 limited to, evidence of the following:
 - 1. The achievement of the project's mission, goals, and objectives as included in its application to the State;
 - 2. Curriculum compliant with the New Jersey Student Learning Standards;
 - 3. Statewide assessment program results and norm-referenced assessment results across all grade levels served;
 - 4. Parental and community involvement in the project;
 - 5. A calendar for the upcoming school year;
 - 6. 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;
 - 7. Any change(s) in the school facility's financing;

8. Documentation sharing any significant structural change(s) to facilities before the upcoming school year and a timeline for implementing the changes; and
 9. Current student enrollment numbers by grade level and enrollment projections by grade level for 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:31-5.2 Petitions to the Commissioner

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.

6A:31-5.3 Contract renewal

- (a) Pursuant to N.J.S.A. 18A:36C-10, the renaissance school project shall be authorized 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 prior to granting renewal of contract, including, but not limited to, a review of:
1. A 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. Annual reports pursuant to N.J.A.C. 6A:31-5.1(b);

3. Statement of assurance from the renaissance school district that there has not been a breach of contract; and
 4. Student performance on assessments.
- (b) Renewal shall be presumed if there is not a breach of contract and the renaissance school project is outperforming the renaissance school district in English language arts, mathematics, or both.
- (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.
- (d) The Commissioner may take action, including closure, if a renaissance school project fails to submit and implement a satisfactory remedial plan.

SUBCHAPTER 6. RENAISSANCE SCHOOL 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 the school or copy of an employment contract that verifies employment by a renaissance district school, will permit an individual employed by a renaissance school project to establish New Jersey residency within five years of the date of his or her initial employment.

SUBCHAPTER 7. GOVERNANCE

6A:31-7.1 Board of trustees

A renaissance school project shall be a public school 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) The members of a renaissance school project board of trustees shall be school officials as defined in the School Ethics Act (N.J.S.A. 18A:12-23). The board of trustees members shall comply with the provisions of the School Ethics Act and N.J.A.C. 6A:28, School Ethics Commission.
- (b) Each administrator of a renaissance school project shall comply with N.J.A.C. 6A:11-1.2, the School Ethics Act, and N.J.A.C. 6A:28.
- (c) Each school official shall comply with N.J.A.C. 6A:28-3.1.
- (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 N.J.A.C. 6A:28-4.1.

6A:31-7.3 Open Public Meetings Act

- (a) The board of trustees shall operate in accordance with the Senator Byron M. Baer Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.
- (b) The board of trustees shall post a copy of all meeting notices and meeting minutes on the renaissance school project's website.

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

SUBCHAPTER 8. FINANCE

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

- (a) Consistent with the requirements of N.J.S.A. 18A:36C-7.e, the Department shall annually calculate the renaissance per pupil rates for each renaissance school district. However, pursuant to N.J.S.A. 18A:36C-7.1, an approved renaissance school project located in a temporary facility shall be funded using the per pupil calculations for charter schools set forth at N.J.S.A. 18A:36A-12.
- (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 shall submit the following to the Commissioner:
 - i. A name, description of, and address for the facility in which the renaissance school will be located and assurances the facility will be located in the approved urban campus area and evidence of local municipal planning board approval, along with any changes from the initial application in terms of construction timeline;
 - ii. Admissions policies that comply with N.J.S.A. 18A:36C-8 and include:
 - (A) The age- or grade-range of eligible students to be enrolled;
 - (B) The total number of students to be enrolled in each grade level; and
 - (C) The attendance area;

- iii. Assurances the renaissance school project will meet facility regulations pertaining to the health and safety of the pupils;
 - iv. The estimated costs and anticipated source of funding for the facility;
 - v. A detailed construction timeline; and
 - vi. Building schematics.
- (c) To qualify for funding pursuant to N.J.S.A. 18A:36C-7.e for students attending a 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 per pupil funding notice prescribed by the Commissioner, or his or her designee, which shall be issued by the Department following the Governor's annual budget address.
- (e) Any payment(s) the renaissance school district distributes to the renaissance school project for preschool students shall be restricted to expenditures on programs benefitting only preschool students and shall be accounted for in Fund 20 of the renaissance school project's budget.
- (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 by the renaissance school district; and
 - ii. In subsequent years, projected enrollment and adjustments shall be calculated as specified in the executed contract between the renaissance school district and the renaissance school project.
 - 2. All payments made pursuant to (a) above shall be made in 12 equal installments

on the 15th of each month beginning on July 15 and ending on June 15. An alternative payment plan may be utilized if mutually agreed upon by both parties.

6A:31-8.2 Renaissance school project enrollment reporting

- (a) All students attending a renaissance school project shall be registered first as a student in the renaissance school district.
- (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 for reporting in the Application for State School Aid.

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

- (a) Pursuant to N.J.S.A. 18A:38-3 and 19, a renaissance school district accepting non-resident students for attendance in the renaissance school project may charge tuition in an amount not to exceed the renaissance school district's actual cost per pupil, as defined in N.J.A.C. 6A:23A-17.1.
- (b) Pursuant to N.J.S.A. 18A:38-15, a non-resident district board of education may agree to pay tuition to the renaissance school district for a student to attend a particular course of study in the renaissance school project, if space is available.
- (c) Upon receiving tuition from a non-resident school district or 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.