

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 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.

Administrative change.

See: 46 N.J.R. 1743(a).

Amended by R.2015 d.051, effective April 6, 2015.

See: 46 N.J.R. 661(a), 47 N.J.R. 717(a).

Section was "Renaissance school district's responsibilities and authority". Rewrote the section.

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 all State grants and Federal funds will be distributed to the renaissance school project by the renaissance school district, which shall ensure the renaissance school(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 Core Curriculum Content Standards; and the methods of assessing whether students are meeting the proffered educational goals;

6. Assurances the renaissance school 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 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'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 regulations promulgated by the State Board of Education or the Department of Community Affairs, other than the facilities efficiency standards developed by the Commissioner pursuant to subsection h. of section 4 of P.L. 2000, c. 72 (N.J.S.A. 18A:7G-4), and will comply with all applicable procedural requirements pursuant to N.J.A.C. 6A:26;

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 renaissance school project's attendance area, if the renaissance school project will not be built 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 renaissance school 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 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 P.L. 2011, c. 176, a renaissance school shall be governed by all laws and rules applicable to other public 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; and

8. 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 may seek approval for an amendment of the approved application to allow for an increase in students and/or add additional grade levels. A renaissance school district and nonprofit 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. The Commissioner will issue a decision approving or denying the requested changes.

(g) The Commissioner will make a decision regarding the agreement following the review. The Commissioner will notify the renaissance school 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 shall be duly noted upon the organizational document's submission.

(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.

Amended by R.2015 d.051, effective April 6, 2015.
See: 46 N.J.R. 661(a), 47 N.J.R. 717(a).

Section was "Applications and proposed agreements to the Commissioner". Rewrote the section.

6A:31-3.2 Preparedness assessment(s)

(a) Prior to the renaissance school 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.

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 renaissance school to contract with a third-party assessor to provide an estimate on a date of completeness 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 will not be completed by the beginning of the school year.

Recodified from N.J.A.C. 6A:31-3.3 and amended by R.2015 d.051, effective April 6, 2015.

See: 46 N.J.R. 661(a), 47 N.J.R. 717(a).

Rewrote the section. Former N.J.A.C. 3:1-3.2, Final agreement of contract, repealed.

6A:31-3.3 (Reserved)

Recodified to N.J.A.C. 6A:31-3.2 by R.2015 d.051, effective April 6, 2015.

See: 46 N.J.R. 661(a), 47 N.J.R. 717(a).

Section was "Preparedness assessment(s)".

SUBCHAPTER 4. STUDENT RECRUITMENT AND ENROLLMENT

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

(a) Students residing in the attendance area established by the renaissance school district for that property shall be automatically enrolled in the renaissance school. The renaissance school project built 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 residence in the attendance area established by the renaissance school project.

(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 project, and in that case the student shall be eligible for enrollment in another school in the renaissance school district.

(d) If spaces remain available in the renaissance school, students shall be selected for the remaining spaces through a 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, which shall be responsible for communicating the decision to applicants.

Amended by R.2015 d.051, effective April 6, 2015.

See: 46 N.J.R. 661(a), 47 N.J.R. 717(a).

Deleted former (a); recodified former (b) as (a); rewrote (a); added new (b); and in (g), substituted “, which shall be” for “. The renaissance school is”.

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

(a) Preference for enrollment in the renaissance school project shall be given to students who reside in the renaissance school project’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 not built 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 the appropriate grade is not offered.

(c) In no case may an attendance area include an area outside of the renaissance school district.

(d) After any required lottery pursuant to (a) above, the renaissance school may select students 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. The renaissance school is responsible for communicating the decision to applicants.

Amended by R.2015 d.051, effective April 6, 2015.

See: 46 N.J.R. 661(a), 47 N.J.R. 717(a).

Rewrote the section.

6A:31-4.3 Initial recruitment period

(a) No later than February 15 of each year, a renaissance school 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) The number of students by grade level from each school district selected for enrollment during the initial recruitment period of a renaissance school will be used to establish a per-pupil amount for the specific grade level at the renaissance school rate.

(c) A renaissance school may conduct subsequent recruitment and enrollment periods if vacancies remain in its enrollment after the initial recruitment period.

Amended by R.2015 d.051, effective April 6, 2015.

See: 46 N.J.R. 661(a), 47 N.J.R. 717(a).

In (a), inserted “of each year” and “and the renaissance school district”.

6A:31-4.4 Waiting list

(a) A renaissance school shall maintain waiting lists for admission of grade-eligible students from the renaissance school district in the school’s attendance area, renaissance school district students not in the attendance area, and students who reside outside of the renaissance school district. A renaissance school shall maintain the waiting list through the end of the school year.

(b) During the initial recruitment period, a renaissance school shall notify parents of students not selected for enrollment that their children’s names remain on the waiting list for enrollment only for the subsequent school year.

Amended by R.2015 d.051, effective April 6, 2015.

See: 46 N.J.R. 661(a), 47 N.J.R. 717(a).

In (a), substituted the second occurrence of “shall” for “must”.

SUBCHAPTER 5. CONTRACT RENEWAL AND TERMINATION

6A:31-5.1 Commissioner's periodic review

(a) During the 10-year term of the contract entered into under N.J.A.C. 6A:31-3.1(i), the Commissioner shall conduct, at a minimum, a biennial review of a renaissance school to ensure there has been no breach of contract and the school is meeting academic performance targets.

(b) No later than August 1 of each year, the renaissance school 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 school's mission, goals, and objectives as included in its application to the State;
2. Curriculum compliant with the Core Curriculum Content Standards;
3. Statewide assessment program results and local assessment results of students;
4. Parental and community involvement in the school;
5. A calendar for the upcoming school year;
6. Documentation of the renaissance school's lead person, teachers, and professional support staff that identifies any change(s) in organizational structure, governing board, or personnel;
7. Any change(s) in the school facility's financing; and
8. Documentation sharing any significant structural change(s) to facilities before the upcoming school year and a timeline for implementing the changes.

(c) The school district or State district superintendent(s) of the renaissance school district may submit to the Commissioner comments regarding the renaissance school's annual report by October 1.

Amended by R.2015 d.051, effective April 6, 2015.
See: 46 N.J.R. 661(a), 47 N.J.R. 717(a).
Rewrote the section.

6A:31-5.2 Early contract termination

(a) Upon finding that a renaissance school is not operating in compliance with its contract and/or applicable statutes or

rules, the Commissioner may place a renaissance school on probationary status for a period of time he or she determines to allow the implementation of a remedial plan. Upon good cause, the Commissioner may extend the probationary period.

(b) Following review by the Department, the Commissioner may terminate the contract for failure of the remedial plan to correct the conditions that caused the probationary status.

Amended by R.2015 d.051, effective April 6, 2015.
See: 46 N.J.R. 661(a), 47 N.J.R. 717(a).
In (a), deleted a comma following "contract".

6A:31-5.3 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.

Amended by R.2015 d.051, effective April 6, 2015.
See: 46 N.J.R. 661(a), 47 N.J.R. 717(a).
Substituted "dispute(s)" for "disputes".

6A:31-5.4 Contract renewal

(a) Every 10 years, the Commissioner shall conduct a comprehensive review of the renaissance school's performance prior to granting renewal of the contract.

(b) Upon successful completion of the comprehensive review, the renaissance school project shall renew for a period of five years.

SUBCHAPTER 6. RENAISSANCE SCHOOL EMPLOYEES

6A:31-6.1 Establishment of residency

Pursuant to N.J.S.A. 18A:36C-18, the Commissioner of Education, 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.

New Rule, R.2015 d.051, effective April 6, 2015.
See: 46 N.J.R. 661(a), 47 N.J.R. 717(a).