

ASSEMBLY, No. 1039

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 27 (Essex and Morris)

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District 34 (Essex and Passaic)

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Co-Sponsored by:

**Assemblyman Caputo, Assemblywomen Jimenez, Pintor Marin,
Assemblymen McKeon, Coughlin, Assemblywomen Mosquera and Tucker**

SYNOPSIS

Establishes procedures for the approval of the closure of a public school.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning procedures for closing a public school and
2 supplementing chapter 33 of Title 18A of the New Jersey
3 Statutes.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. a. As used in this section, "school closure" means the
9 termination of the use of a school building, other than a temporary
10 facility, that necessitates the reassignment of current and future
11 students to the remaining school buildings of the school district or
12 to a newly-constructed school building.

13 b. A board of education or State district superintendent shall
14 obtain the approval of the Commissioner of Education prior to
15 implementing a school closure. An application for the approval of a
16 school closure shall include assurances that:

17 (1) the school closure is consistent with the district's approved
18 long range facilities plan because there is either sufficient capacity
19 in the remaining school buildings to house the district's students for
20 the succeeding five years, or a feasibility study has demonstrated
21 that the benefits of constructing a new school building are greater
22 than the benefits of rehabilitating any school building that is
23 proposed to be closed, and does not increase the number of
24 unhoused students in the district's remaining schools;

25 (2) the school closure will not result in an increased use of
26 temporary facilities;

27 (3) the reassignment of students to other schools will not
28 produce, sustain, or contribute to unlawful segregation of student
29 populations on the basis of race or national origin, socioeconomic
30 status, disability status, or English language proficiency; and

31 (4) the reassignment of students to other schools will not lead to
32 unreasonably burdensome transportation requirements for students.

33 c. Notwithstanding the provisions of sections 2 and 6 of
34 P.L.1987, c.399 (C.18A:7A-35 and C.18A:7A-39) or any other
35 section of law to the contrary, a State district superintendent shall
36 present the application to the board of education at a public
37 meeting, and the application shall be noted in the minutes of the
38 meeting, prior to the State district superintendent submitting the
39 application for approval of a school closure to the commissioner.

40 d. The commissioner shall provide a school district with
41 written notification of the determination regarding the school
42 closure.

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44 2. This act shall take effect immediately and shall be applicable
45 to any application for the approval of a school closure submitted on
46 or after January 1, 2014.

1 STATEMENT

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3 This bill provides that a school district board of education or
4 State district superintendent must obtain approval from the
5 Commissioner of Education prior to implementing a school closure.
6 An application for approval of a school closure must include
7 assurances that the proposed closure: 1) is consistent with the
8 district's approved long range facilities plan; 2) will not lead to an
9 increased use of temporary facilities; 3) will not contribute to
10 unlawful segregation of student populations; and 4) will not cause
11 unreasonably burdensome transportation requirements for students.
12 These assurances are similar, but not identical, to those currently
13 required under State Board of Education regulations.

14 The bill also requires that a State district superintendent present
15 the application to the board of education at a public meeting and the
16 application must be noted in the minutes of the meeting prior to
17 submitting a school closure plan to the commissioner. The bill's
18 provisions would be applicable to any school closure plan submitted
19 for approval on or after January 1, 2014.